

TASMANIAN PLANNING COMMISSION



DECISION

Local Provisions Schedule Central Coast

Date of decision 12 August 2021

Under section 35K(1)(a) of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directs the planning authority to modify the draft LPS in accordance with the notice at Attachment 2.

When the directed modifications have been undertaken under section 35K(2), the Commission is satisfied that the LPS meets the LPS criteria and is in order for approval under section 35L(1).

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John Ramsay
Delegate (Chair)

Handwritten signature of Marietta Wong in black ink.

Marietta Wong
Delegate

REASONS FOR DECISION

Background

The Central Coast Planning Authority (the planning authority) exhibited the Central Coast draft Local Provisions Schedule (the draft LPS), under section 35D of the *Land Use Planning and Approvals Act 1993* (the Act), from 11 June 2019 until 9 August 2019.

On 30 September 2019 the planning authority provided the Commission with a report under section 35F(1) into 112 representations received on the draft LPS. A list of representations is at Attachment 1.

The Commission must hold a hearing in relation to representations to a draft LPS under section 35H of the Act.

On 6 November 2020 the Commission decided under section 35K(1)(c) of the *Land Use Planning and Approvals Act 1993*, to reject the originally exhibited draft LPS, and direct the planning authority to substantially modify parts of the originally exhibited draft LPS. The Commission's decisions on representations and reasons to substantially modify parts of the Central Coast draft LPS are separately published¹.

The former provisions of section 35K(4) of the Act require that the substantially modified part of the draft LS is applied the same process of exhibition, reporting by the planning authority and consideration by the commission as a draft LPS.

The planning authority exhibited the Central Coast draft LPS substantially modified part, under section 35D of the Act, from 6 January until 15 March 2021.

On 1 June 2021 the planning authority provided the Commission with a report under section 35F(1) into the 11 representations received on the Central Coast draft LPS substantially modified part. A list of representations is at Attachment 1.

The Commission must hold a hearing in relation to representations to the Central Coast draft LPS substantially modified part under section 35H of the Act.

Date and place of hearing

The Commission must hold a hearing in relation to representations to the draft LPS under section 35H of the Act.

A directions hearing was held in relation to the originally exhibited Central Coast draft LPS at the Gnomon Pavilion, Wharf Road, Ulverstone on 13 November 2019.

A hearing was held in relation to the originally exhibited Central Coast draft LPS at the

- Central Coast Council Chambers, 19 King Edward Street, Ulverstone on:
 - 27, 28 and 29 November 2019; and
 - 21, 22 and 23 January 2020, and
- Commission's office at Level 3, 144 Macquarie Street, Hobart on:

¹ The decision and reasons to substantially modify part of the Central Coast draft LPS made on 6 November 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

- 24 July 2020.

A hearing was held in relation to the Central Coast draft LPS substantially modified part at the Commission's office at Level 3, 144 Macquarie Street, Hobart on 28 June 2021.

Consideration of the draft LPS

1. Under section 35J(1) of the Act the Commission must consider:
 - the planning authority section 35F(1) report and the draft LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied that the draft LPS meets the LPS criteria under section 34; and
 - whether modifications ought to be made to the draft LPS.
2. Under section 35J(2) of the Act the Commission may also consider whether there are any matters that relate to issues of a technical nature or may be relevant to the implementation of the LPS if the LPS were approved.
3. The LPS criteria to be met by the draft LPS are:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS;
 - (b) is in accordance with section 32 of the Act;
 - (c) furthers the objectives set out in Schedule 1 of the Act;
 - (d) is consistent with each State policy;
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;
 - (f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.
4. The relevant regional land use strategy is the Cradle Coast Regional Land Use Strategy (regional strategy).
5. In addition to the LPS criteria, the Commission has considered Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) issued under section 8A of the Act.
6. Parts of the Act relating to draft LPS assessment were amended on 14 July 2021. The requirements for making modifications to the draft LPS are set out under section 35K of the Act. Section 87H(2) of the Act provides for the former provisions of the Act under sections 35K(1) and 35K(4) to continue to apply to the substantially modified part of the draft LPS.
7. Under the former provisions of section 35K, the modifications can be broadly categorised as modifications [section 35K(1)(a) and (b)] or substantial modifications [former section 35K(1)(c)(ii)]. The Commission may also reject the draft LPS and request that the planning authority prepare a substitute [former section 35K(c)(i)].

8. The former provisions of section 35K(4) set out the process for consideration of the draft LPS substantially modified part.
9. According to 35K(4)(b), once the draft LPS substantially modified part process is concluded, the substantially modified part is to be treated as part of the originally exhibited draft LPS.
10. Under section 35KA, the Commission may also direct under section 35K(1)(a) or (b), that a draft LPS be modified to include relevant modifications. These are subsequent planning scheme amendments that have been approved and contain provisions of a kind that may be included in a draft LPS. Relevant modifications may be varied to meet requirements and terminology of the SPPs and will achieve the effect intended by the amendment of the planning scheme.
11. Where the Commission has determined modifications ought be made, these are set out in a notice under 35K(1)(a) of the Act (see Attachment 2).
12. The decisions on relevant modifications considered under section 35KA of the Act are set out below.
13. The decisions on representations to the originally exhibited draft LPS and on representations to the Central Coast draft LPS substantially modified part as a result of the Commission's consideration of each under section 35J of the Act are set out below.

Consideration of amendments to the Central Coast Interim Planning Scheme 2013 under section 35KA

Amendment PSA2020002 - Bushfire-Prone Areas overlay

14. Amendment PSA2020002 to insert a Bushfire-Prone Area overlay into the interim planning scheme came into effect on 27 October 2020.

Commission consideration

15. The Bushfire-Prone Areas overlay in the draft LPS and proposed in the draft amendment to the interim planning scheme were the same. Approval of the amendment to the interim planning scheme included modification to remove properties subject to the overlay in error at Turners Beach and Ulverstone. This has resulted in differences between application of the overlay in the interim planning scheme and the draft LPS.
16. The Commission considers that the most recent and accurate Bushfire-Prone Areas overlay should be included in the Central Coast LPS. Therefore, a relevant modification should be made so that application of the Bushfire-Prone Areas overlay in the draft LPS corresponds with application of the Bushfire-Prone Areas overlay in the interim planning scheme.

Commission decision

17. Modification:
 - Revise the application of the Bushfire-Prone Areas overlay consistent with the application of the Bushfire-Prone Areas overlay in approved amendment PSA2020002 to the Central Coast Interim Planning Scheme 2013.
18. Reason:
 - *To include relevant modifications under section 35KA of the Act corresponding to amendment PSA2020002 to the Central Coast Interim Planning Scheme 2013.*

Amendment PSA2020004 - Rezoning of 640 Forth Road, Forth and Forth Specific Area Plan

19. Amendment PSA2020004 to rezone 640 Forth Road, Forth from Local Business to Low Density Residential and include the land in the Forth Specific Area Plan came into effect on 4 March 2021.

Commission consideration

20. In the draft LPS the Local Business Zone applies to 640 Forth Road, Forth and there are no overlays, specific area plans or site specific qualifications applied to the site.
21. The Commission notes CCO-S1.0 Forth Specific Area Plan is a provision that the draft LPS must contain under Schedule 6, Clause 8 of the Act. It is also noted, the Minister has not declared under Schedule 6, Clause 8A of the Act that 640 Forth Road, Forth be included in the CCO-S1.0 Forth Specific Area Plan area, and the rezoning of the land is not a matter that can be declared under Schedule 6, Clause 8A of the Act.
22. The Commission notes that although the priority vegetation overlay may apply to land in the Low Density Residential Zone in an LPS, the entire priority vegetation overlay map (before removing non-applicable zones) provided by the planning authority in the draft LPS supporting report does not show the overlay applying to the site.
23. The Commission finds that a relevant modification should be made to reflect amendment PSA2020004.

Commission decision

24. Modification:
 - Revise the zoning of 640 Forth Road, Forth (folio of the Register 252652/1) to the Low Density Residential Zone; and
 - Revise the overlay map to apply CCO-S1.0 Forth Specific Area Plan to 640 Forth Road, Forth (folio of the Register 252652/1).
25. Reason:
 - *To include relevant modifications under section 35KA of the Act corresponding to amendment PSA2020004 to the Central Coast Interim Planning Scheme 2013.*

Amendment PSA2020003 - Rezoning of 1, 10 and 10a Alice Street, West Ulverstone

26. Amendment PSA2020003 to rezone 1, 10 and 10a Alice Street, West Ulverstone from the General Residential Zone to the Local Business Zone came into effect on 21 April 2021.

Commission consideration

27. In the draft LPS the General Residential Zone applies to 1, 10 and 10a Alice Street, West Ulverstone and there are no overlays, specific area plans or site specific qualifications applied to the site.
28. The Commission finds that a relevant modification should be made to reflect amendment PSA2020003.

Commission decision

29. Modification:
 - Revise the zoning of 1, 10 and 10a Alice Street, West Ulverstone (folios of the Register 83570/4, 73556/3, and 62342/3) to the Local Business Zone.

30. Reason:

- *To include relevant modifications under section 35KA of the Act corresponding to amendment PSA2020003 to the Central Coast Interim Planning Scheme 2013.*

Consideration of issues raised in the representations

General Residential Zone - 12-14 Hampson Street, Penguin

Representation to originally exhibited draft LPS: John Scoles (13)

31. Mr John Scoles requested that part of 12-14 Hampson Street, Penguin be revised from the Landscape Conservation Zone to the General Residential Zone.
32. The reasons include:
- the area to the north, the council reserve and the 10A Hampson Street, have similar gradients, yet these properties to the north and west have a less onerous zoning;
 - the zoning is based on a drive by without scientific data such as soil testing or physical analysis; and
 - the Landscape Conservation Zone could be limited to the area to the east of the existing residence where the land gradient exceeds twenty degrees.
33. In the section 35F report the planning authority recommended that the land be split zoned, with the western portion of the land being in the General Residential Zone and the remainder in the Landscape Conservation Zone.
34. The reasons include:
- several allotments in this area that have been previously zoned Environmental Living and are now proposed to be zoned Landscape Conservation primarily due to 'medium' landslide hazard in this area; and
 - the split zoning reflects the pattern of use on site.
35. On the 20 December 2019, the Department of State Growth provided a further submission stating the following:

Council has recommended support for a number of private land owner requests to rezone land that is subject to the medium Landslide Hazard Band (representations 3, 13, 14, 15, 16, and 22). Land within this hazard band has either known landslide features, or is located within a landslide susceptibility zone for other reasons. Planning controls are necessary for all use and development to ensure that risks are tolerable (as recommended by Australian Geomechanics Society 'Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning' (AGS 2007a)), and any vulnerable or hazardous use will only be allowed in exceptional circumstances (Landslide Planning Report V5, 19 August 2013).

Representations requesting a change in zoning where land is subject to the medium landslip hazard band would normally be required to provide strategic justification for the rezoning, together with supporting technical and environmental information.

The representations to rezone are not currently supported by any geotechnical information. Mineral Resources Tasmania has identified hazard concerns on the parcels, including steep slopes, history of slope failure, major exposure to landslide, and groundwater fed saturation of hill slopes. The level of risk is significant enough to require a favourable geotechnical investigation to support each rezoning.

Commission consideration

36. The Commission notes that this land is fully serviced and is at the edge of other land in the General Residential Zone. Its western and northern boundaries adjoin land in the General Residential Zone but its eastern and southern boundaries adjoin land in the Landscape Conservation Zone.
37. The lot is 7,247m² and split zoning may allow further development of that part of the land that is already cleared and developed for a dwelling. Yield is likely to be limited to one or two lots.
38. The Commission notes that the entirety of the land is within the medium landslip hazard band. While the planning authority supports split zoning, it notes the land is part of a broader area currently in the Environmental Living Zone which is proposed to be in the Landscape Conservation Zone, in recognition that the land is subject to medium landslip hazard.
39. In the absence of further evidence regarding land slip hazard management for both Mr Scoles' land and the adjoining land in the Landscape Conservation Zone, the Commission does not support the planning authority's recommendation for split zoning.

Commission decision

40. The Commission considers that no modifications are required.

General Residential Zone - 8 Cann Street, Penguin

Representation to originally exhibited draft LPS: Craig Ling (16)

41. Mr Craig Ling requested that 8 Cann Street, Penguin be revised from the Landscape Conservation Zone to the General Residential Zone to be consistent with other small lots in the area that are developed with dwellings.
42. In the section 35F report the planning authority recommended that the zoning be revised to the General Residential Zone. It stated that 8 Cann Street is located in the Penguin urban area and has an area of 1000m², is connected to reticulated service networks and accommodates a single dwelling. The land is also located within the medium landslip hazard area.
43. As discussed above in relation to representation 13, the Department of State Growth submitted that representations requesting a revision of zoning where land is subject to the medium landslip hazard band would normally be required to provide strategic justification for the rezoning, together with supporting technical and environmental information.

Commission consideration

44. The Commission notes that the adjoining land to the north and across the road to the east is in the General Residential Zone. Land to the west and south is currently in the Environmental Living Zone and is proposed to be in the Landscape Conservation Zone. The entire area to be in the Landscape Conservation Zone is subject to the medium landslip hazard band.
45. In the absence of further evidence regarding land slip hazard management for both the Mr Ling's land and the adjoining land in the Environmental Living Zone, the Commission does not support the planning authority's recommendation to revise the zoning to General Residential.
46. The site is currently in the Environmental Living Zone. The Landscape Conservation Zone is identified in Guideline No. 1 as a zone that can be applied to land currently in the Environmental Living Zone.

Commission decision

47. The Commission considers that no modifications are required.

General Residential Zone - 2 Hobbs Parade, West Ulverstone

Representation to originally exhibited draft LPS: PDA Surveyors for B L and S C Howard (17)

48. PDA Surveyors requested that part of 2 Hobbs Parade, West Ulverstone be revised from the Open Space Zone to the General Residential Zone. The reasons include:
- the Crown has agreed to sell 400m² to the representors for consolidation with their adjoining land in the General Residential Zone;
 - the 400m² being acquired can be further developed as a residential lot; and
 - the land is not identified in the Central Coast Open Space and Recreation Plan 2012-2022 and the site is within the catchment for other parks (Airforce Park to the north and Tobruk Park to the southwest).
49. In the section 35F report the planning authority recommends that 400m² of land be zoned General Residential.

Commission consideration

50. The Commission notes that the land is surrounded on all sides by land in the General Residential Zone.
51. At the hearing, Tom Reilly (PDA Surveyors) for the representor, submitted that land in this vicinity has recently been developed for dwellings and coastal erosion issues are managed under the building regulatory framework.
52. The Commission also notes that there is now a dwelling on the land owned by the representors.
53. While the representors seek rezoning of 400m² which they intend to purchase, the remainder is intended to form part of the Hobbs and Tasma Parade Road Reserves.
54. The Commission considers that in supporting the rezoning, the entirety of the lot should be revised to the General Residential Zone. The balance area of 358m² has proportions and dimensions such that it would not be usefully retained in the Open Space Zone.

Commission decision

55. Modification:
- revise the zoning of 2 Hobbs Parade, West Ulverstone (folio of the Register 156432/1) from the Open Space Zone to the General Residential Zone.
56. Reason:
- To apply the General Residential Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

General Residential Zone and Rural Living Zone at Preservation Bay

Representations to originally exhibited draft LPS: Louise Owen and Owen Pointon (14), EnviroPlan for Tim and Kiely Briggs (15), Ireneinc for Tony and Julie Gee (22)

57. Representors 14 and 15 requested that the land at 92 Preservation Drive (17.62 ha) and 130A Preservation Drive (16.42 ha) respectively, be revised from the Landscape Conservation Zone to the General Residential Zone. Representation 22 requested that the land at 170 Preservation Bay (12.78 ha) be revised from the Rural Zone to the Low Density Residential Zone or the Rural Living Zone. Preference for the Rural Living Zone A was subsequently confirmed.

58. The reasons include:
- adjoining properties are currently zoned residential and form part of a ribbon development along the coast;
 - the land is fully serviced;
 - acreage is insufficient for economic rural use;
 - the land is not Prime Agricultural Land and is potentially constrained by existing General Residential zoned land;
 - development would mirror demand that has been evidenced by development at Midway Point, Sulphur Creek and surrounding areas;
 - rezoning to the General Residential Zone is consistent with an established settlement pattern and the zone Purpose,
 - use and development of adjacent land will address the issue of ribbon development along Preservation Drive;
 - rezoning is consistent with the Central Coast Strategic Plan 2014-2024;
 - although the regional strategy does not identify Preservation Bay, it identifies Sulphur Creek as having a low growth scenario and stable settlement strategy which does not reflect major expansions of residential development over the past 10 years;
 - soils are class 4, 5, 6 and 7 and they are not in agricultural use; and
 - the rezoning is consistent with the State Coastal Policy (Coastal Policy).
59. In the section 35F report, the planning authority recommended the zoning is revised to the General Residential Zone for 92 Preservation Drive and 130A Preservation Drive; and to Rural Living Zone A for 170 Preservation Drive. The reasons include:
- the area at Preservation Bay is able to be fully serviced and is characterised by 'strip' residential development along the old highway between Penguin and Heybridge;
 - lots in this area are in demand due to the views over Bass Strait, the central proximity of the land to Burnie, Ulverstone and Devonport and easy access to the Bass Highway;
 - the planning authority also noted that the regional strategy does not support an expansion of the residential foot print in this area;
 - a local settlement strategy has been identified by the council planner as necessary, but its preparation has not yet commenced; and
 - the land has areas of medium and low landslip hazard.
60. At the hearing the Commission heard from the parties on whether the Preservation Drive area is part of Sulphur Creek. The representors and planning authority agreed that Preservation Drive is not part of Sulphur Creek and is a proposed new settlement.
61. The planning authority confirmed that it intended to undertake a settlement strategy but has not yet begun the task.
62. The Department of State Growth provided a further submission on 20 December 2019 noting the lack of geotechnical information to address the hazard concerns:
- A general area of landslide hazard extends across properties located at Preservation Drive, west of Penguin, and it is recommended that a broad management strategy is developed for this area to guide consideration of future rezoning and development.
63. Representor 15 submitted a geotechnical report from 2004 identifying that the Briggs' land can be developed outside areas of medium landslip hazard.
64. At the hearing, Mineral Resources Tasmania, submitted that changes to zoning where land is subject to the medium landslip hazard band would normally be required to provide strategic

justification for the rezoning, together with supporting technical and environmental information.

65. In addition, because Preservation Bay forms part of an escarpment that spans five municipal areas, a strategic land slip hazard management plan would be useful before rezoning.

Commission consideration

66. The Commission agrees that Preservation Bay would be a new settlement and notes that there is currently no local settlement strategy for the municipality that takes into account the existing supply of zoned land.
67. The Commission considers that there is insufficient evidence that revision to the General Residential Zone or the Rural Living Zone A is as far as is practicable consistent with the regional strategy with reference to 4.3.1 Urban Settlement Areas.
68. The Commission notes that while not all of the land sought to be revised to General Residential and Rural Living Zone A is subject to the medium landslip hazard band, it is reasonable that a landslip hazard management plan be prepared for Preservation Bay before land is rezoned for residential development.
69. The Commission also considers that residential zoning has not been demonstrated to be in accordance with the Coastal Policy. Outcome 2.4.2 states that 'Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast'.

Commission decision

70. The Commission considers that no modifications are required.

Landscape Conservation Zone - various locations at Kindred proposed for the Environmental Management Zone

Representations to originally exhibited draft LPS: C Taylor (1), Stephen and Jenny Daw (34)

71. Mr C Taylor requested that land at 663 Wilmot Road, Forth be revised from the Environmental Management Zone to the Landscape Conservation Zone and Mr and Mrs Stephen and Jenny Daw request that land at 639 Wilmot Road, Forth be rezoned from the Environmental Management Zone to the Rural Living Zone A.
72. Mr C Taylor states the land is privately owned and developed with a dwelling. Mr and Mrs Daw consider the Environmental Management Zone is incorrect because there are no significant values on the land, property value and resale will be affected and vegetation clearing for fire safety would be restricted.
73. In the section 35F report the planning authority recommended the zoning be revised from the Environmental Management Zone to the Landscape Conservation Zone in both instances because the land is privately owned and the Environmental Management Zone was applied in error. It further recommends that other land in the immediate locality also be revised to the Landscape Conservation Zone for the same reasons.
74. At the hearing the planning authority submitted that both lots, and the nearby lots recommended for the Landscape Conservation Zone, all have bushland values consistent with LCZ 2 of Guideline No. 1.

75. The Commission notes that at the hearing Mr and Mrs Daw accepted the planning authority's recommendation that their land be revised to the Landscape Conservation Zone, rather than the Rural Living Zone A, as requested in their representation.

Commission consideration

76. The Commission accepts the planning authority's recommendation and supports broadening the application of the Landscape Conservation Zone to include surrounding land also proposed to be in the Environmental Management Zone for consistency with LCZ 2 of Guideline No.1.

Commission decision

77. Modification:

- Revise the zoning of the following properties to the Landscape Conservation Zone:
 - 605 Wilmot Road, Forth (FR 11199/1),
 - 639 Wilmot Road, Forth (FR 11199/2),
 - 655 Wilmot Road, Forth (FR 11199/3),
 - 663 Wilmot Road, Forth (FR 11199/4),
 - That part to the east of Wilmot Road of 740 Wilmot Road, Forth (part FR 244755/1),
 - 1109 Wilmot road, Kindred (FR 31612/1 and 31612/2)
 - That part to the east of Wilmot Road of 1121 Wilmot Road, Kindred (part FR 123230/1),
 - 1139 Wilmot Road, Kindred (FR 123704/3),
 - 1141 Wilmot Road, Kindred (FR 123704/2),
 - 1145 Wilmot Road Kindred (FR 123704/1),
 - That part to the south of Wilmot Road of 1149 Wilmot Road, Kindred (FR 128006/7 and part 128006/8),
 - That part to the south of Wilmot Road of 1159 Wilmot Road, Kindred (part FR 49403/1),
 - 1163 Wilmot Road, Kindred (FR 103635/2)
 - Wilmot Road, Kindred (FR 105295/2)
 - That part to the south of Wilmot Road of FR 128007/17 on Wilmot Road, Kindred
 - That part to the south of Wilmot Road of 1201 Wilmot Road, Kindred (part FR 128007/16),
 - that part to the south of Wilmot Road of 1205 Wilmot Road, Kindred - (part FR 128007/15),
 - that part to the south of Wilmot Road of 1209 Wilmot Road, Kindred - (part FR 128007/14),

- that part to the south of Wilmot Road of 1215 Wilmot Road, Kindred - (part FR 128007/13),
- those parts to the south of Wilmot Road of 1221 Wilmot Road, Kindred - (parts of folios of the Register 128007/11 and 128007/12),
- that part to the south of Wilmot Road of 384 Geales Road, Kindred (part FR 128007/9)

78. Reason:

- To apply the Landscape Conservation Zone consistent with the purpose of the zone and LCZ 2 in Guideline No. 1.

Landscape Conservation Zone - Sulphur Creek proposed for the Environmental Management Zone

Representation to originally exhibited draft LPS: Frank Wilson (3)

79. Mr Frank Wilson supported the proposed Landscape Conservation Zone at 1 Midway Lane, Sulphur Creek because the land has identifiable conservation values.
80. In the section 35F report the planning authority acknowledged the representation was in support of proposed zoning and confirmed application of the Landscape Conservation Zone.

Commission consideration

81. The Commission notes that Mr Wilson and the planning authority support the Landscape Conservation Zone and application of the zone is consistent with the zone Purpose and Guideline No.1.

Commission decision

82. The Commission considers that no modifications are required.

Landscape Conservation Zone - various locations at Turners Beach, West Ulverstone, and Gunns Plains proposed for the Environmental Management Zone

Representations to originally exhibited draft LPS: Leon Peck (8), Helmut Schwabe (9), Central Coast Council for the Ulverstone Golf Club (96) and Central Coast Council for 32 Boyes Street, Turners Beach (97)

83. The representors requested that zoning of their land be revised from the Environmental Management Zone to the Landscape Conservation Zone.
84. The land referred to in the representations is located at 605 Wilmot Road, Forth, 299 Raymond Road, Gunns Plains; Golf Club Road, West Ulverstone and part of 32 Boyes Street, Turners Beach respectively.
85. The reasons provided by representors included:
- the Environmental Management Zone is intended for land owned or managed by the Crown;
 - the proposed zoning is a mapping error;
 - land at 299 Raymond Road, Gunns Plains has identifiable conservation values and is under a conservation covenant; and

- to ensure development and use of land are compatible with landscape conservation and management values of the land and surrounding land.
86. In the section 35F report the planning authority supported the representations and recommended the zoning be revised from the Environmental Management Zone to the Landscape Conservation Zone.
87. Planning authority comments included that the Environmental Management Zone is not appropriate for private land and its application was an error.
88. At the hearing the planning authority submitted that each lot has bushland areas consistent with LCZ 2 of Guideline No. 1 for application of the Landscape Conservation Zone. In addition, 299 Raymond Road, Gunns Plains is subject to a conservation covenant.

Commission consideration

89. The Commission is satisfied that there is evidence of bushland areas and large areas of native vegetation on that land identified in the representations, and it agrees with the planning authority that the appropriate zoning is the Landscape Conservation Zone.
90. It considers that that application of the Landscape Conservation Zone is consistent with LCZ 2 of Guideline No.1.

Commission decision

91. Modification:
- revise the zoning of the following properties from the Environmental Management Zone to the Landscape Conservation Zone:
 - the part of Lot 1 Boyes Street, Turners Beach (part of folio of the Register 179353/1) proposed for Environmental Management zone, as shown in the section 35F report (p. 127);
 - Golf Club Rd, West Ulverstone (folio of the Register 230089/1 and 224305/1); and
 - 299 Raymond Road, Gunns Plains (folio of the Register 173320/1).
92. Reason:
- To apply the Landscape Conservation Zone consistent with the purpose of the zone and LCZ 2 in Guideline No. 1.

Landscape Conservation Zone - adjoining the Reid Street Reserve, West Ulverstone

Representation to originally exhibited draft LPS: Patricia Ellison for Friends of Reid Street Reserve (12)

93. The land referred to in the representation forms the unmade road reserve (Hall Street) adjoining the Reid Street Reserve.
94. The reasons for a zoning change provided by Ms Ellison included protecting important scenic values and threatened species; providing a continuous habitat and wildlife corridor; and providing essential habitat and a refuge for wildlife.
95. In the section 35F report, the planning authority recommended the zoning be revised from the Environmental Management Zone to the Landscape Conservation Zone as this zoning corresponds to that of the northern section of the unmade roadway and the adjoining reserve.

Commission consideration

96. At the hearing the planning authority supported inclusion of that land from the unmade part of Reid Street to where it connects to the unmade part of Hall Street, including the entire unmade part of Reid Street.
97. Ms Ellison provided a further submission by Dr Richard Donaghey, Adjunct Research Fellow, Griffith University confirming the conservation/bushland values of Reid Street Reserve and adjoining land to the southeast side of Reid Street and along Hall Street.
98. The planning authority confirmed the area has bushland areas and large areas of native vegetation, consistent with the requirements of LCZ 2 of Guideline No 1.
99. The Commission is satisfied that application of the Landscape Conservation Zone to the unmade part of Hall Street and to other unmade parts of road reserve on the perimeter of the Reid Street Reserve is consistent with Guideline No.1.

Commission decision

100. Modification:
 - revise the zoning of the unmade part of Hall Street and other unmade parts of road reserve on the perimeter of the Reid Street Reserve to the Landscape Conservation Zone consistent with the revised zone mapping provided in the further submission from Central Coast Council on 6 December 2019.
101. Reason:
 - To apply the Landscape Conservation Zone consistent with the zone purpose and LCZ 2 in Guideline No. 1.

Landscape Conservation Zone - various properties at Gunns Plains, South Riana and Loongana

Representations to originally exhibited draft LPS: J Thompson and A Vojinov (2), A J Britz and A A Parks (4), LW and PM Doherty (5), Penelope Laskey (6), Peter Stronach (7), Laurence Rickards (10), Mark and Trudy Dudding (11), and Colin and Julie Vercoe (48).

102. Land referred to in the representations is located at 220 Raymond Road, Gunns Plains; 1499 Loongana Road, Loongana; 1519 Loongana Road, Loongana; 130 Raymond Road, Gunns Plains and the forested part of 835 Gunns Plains Road (folio of the Register 208779/1); 319 Raymond Road, Gunns Plains; 19A Bannons Bridge Road, Gunns Plains; 22 Bannons Bridge Road, Gunns Plains and 250 Loyetea Road, South Riana, respectively.
103. Mr Colin and Mrs Julie Vercoe requested their land be revised from Rural to Landscape Conservation. Mr and Mrs Vercoe originally requested Rural zoning, but wrote to the planning authority supporting the Landscape Conservation Zone.
104. The reasons include:
 - to ensure development and use of land are compatible with landscape and natural and management values,
 - the land is subject to a conservation covenant;
 - there are specific threatened flora, fauna or habitat values on the land; and
 - connectivity with other areas of habitat with similar values.
105. In the section 35F report the planning authority recommended the zoning be revised from the Environmental Management Zone to the Landscape Conservation Zone acknowledging the presence of specific values as identified by the representors.

106. At the hearing on 27 November 2019, the planning authority submitted that all of the lots have bushland values consistent with the requirements of Guideline No. 1 Landscape Conservation Zone. In addition, the properties referred to in representations 2, 4, 5, 7, and 48 have conservation covenants listed on their titles.
107. Ms Penelope Laskey further requested the forested part of 835 Gunns Plains Road (folio of the Register 208779/1) also be in the Landscape Conservation Zone on the basis it contains *Eucalyptus viminalis*, a threatened wet forest vegetation community. At the hearing, the planning authority supported the proposed split zoning to the Landscape Conservation Zone and the Rural Zone.
108. At the hearing, Mr and Mrs LW and PM Doherty clarified that the Landscape Conservation Zone is sought for all three titles referred to as 1499 Loongana road (folios of the Register 223178/1, 239625/1 and 242592/1). The planning authority agreed that natural values are present on all three titles and supports the zoning change for each.
109. Mr Peter Stronach submitted at the hearing that all covenanted properties should be zoned Landscape Conservation, to be consistent with Guideline No. 1, noting that there are 18 covenanted properties in the Central Coast municipality.
110. The planning authority submitted that it was a matter for individual landowners.
111. State Growth provided a further submission on 20 December noting the following:
- State Growth is concerned that the application of the Landscape Conservation Zone in this manner could have a sterilising effect on rural land well beyond the land parcels to be rezoned, which has the potential to limit future resource use and development.
- Once established, a residence is deemed to be a sensitive receiver, and future extractive industries are required to meet attenuation requirements of up to 1000m depending on the approved activities on a lease. The more sensitive uses there are across the rural landscape, the more difficult it is for extractive industries, which are considered appropriate in this environment, to gain approval. If the Landscape Conservation Zone was to apply as proposed by the Section 35F Report, there is greater potential for a sterilising effect.
- State Growth supports a rigorous assessment of sensitive uses across the rural landscape so that current and future resource use including agriculture, can be appropriately considered by planning authorities. The presence of mining leases, exploration licences and Private Timber Reserves are important elements of any assessment. The initially proposed Rural Zone enables this level of scrutiny.
112. Mr John Thompson and Ms Annette Vojinov provided a submission in response to the Department of State Growth stating that properties with conservation covenants have been identified for protection and conservation by the Minister for Environment and are most appropriately zoned Landscape Conservation based on the State Planning Provisions and Guideline No 1. The further submission also stated:
- The Department's claim that conservation covenants have traditionally been used for protecting land parcels from extraction activities, while not relevant to the issue at hand, is nonetheless inappropriate.
- The Department's claim that applying Landscape Conservation Zone to covenanted land provides no additional protection is incorrect as Landscape Conservation Zone would provide planning protection against incompatible uses.
113. At the hearing on 28 January 2020 the Department of State Growth discussed the potential for impacting on timber production in the area and a requirement to attenuate any potential future mines from sensitive uses.

114. Representors described the significant environmental and landscape values on their properties. Mr Thompson and Ms Vojinov (2) submitted that the response from the Department of State Growth was not specific to the area and that the significant environmental and landscape values present met the guidelines for inclusion in the Landscape Conservation Zone.

Commission consideration

115. Regarding representation 5, the Commission is satisfied that there is evidence of bushland values 1499 Loongana Road, and is satisfied the zone be revised to the Landscape Conservation Zone for all three titles.
116. The Commission considers that the submission by Mr Stronach that all covenanted properties have conservation values and are consistent with the Landscape Conservation Zone, might be supported, but considers that there may be a range of views from landowners on this matter. Therefore, the Commission supports the revision of zoning from the Rural Zone to the Landscape Conservation Zone only if requested in representations.
117. In relation to all of the representations the Commission accepts the views of the representors and the planning authority in relation to the values on these properties.
118. The Commission notes the Department of State Growth's submission that covenants are an appropriate means of protecting bushland values. It appreciates that in some circumstances applying the Landscape Conservation Zone in addition to covenants may have the effect of constraining extractive industries with reference to sensitive use allowable in the Landscape Conservation Zone.
119. In the circumstances presented, the Commission is satisfied that application of the Landscape Conservation Zone is appropriate.

Commission decision

120. Modification:
- revise the zoning of the following properties to the Landscape Conservation Zone:
 - 1499 Loongana Road, Loongana (folios of the Register 239625/1, 223178/1 and 242592/1);
 - 1519 Loongana Road, Loongana (folio of the Register 218995/1);
 - 220 Raymond Road, Gunns Plains (folio of the Register 173320/1);
 - 130 Raymond Road, Gunns Plains (folio of the Register 243373/1);
 - that part of 835 Gunns Plains Road, (part of folio of the Register 208779/1) consistent with the coordinates and mapped area identified in the Central Coast Council further submission provided on 21 May 2020 (pages 163 and 164 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);
 - 19A Bannons Bridge Road, Gunns Plains (folio of the Register 103700/1);
 - 22 Bannons Bridge Road, Gunns Plains (folio of the Register 234477/1);
 - 250 Loyetea Road, South Riana (folio of the Register 107458/1); and
 - 319 Raymond Road, Gunns Plains (folio of the Register 250768/1).

121. Reason:

- To apply the Landscape Conservation Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Low Density Residential Zone – 4 View Street, Ulverstone

Representation to originally exhibited draft LPS: Tim Johnson (23)

122. Mr Tim Johnson requested that land at 4 View Street, Ulverstone be revised from the Landscape Conservation Zone to the Low Density Residential Zone.
123. The reasons include:
- future development would not comply with the standards for the zone, such as setbacks;
 - zoning was General Residential up until 12 years ago;
 - the standards of the Landscape Conservation Zone are overly restrictive in a residential area; and
 - the correct zoning is Low Density Residential which ensures environmental, medium land slip and water run-off issues are addressed.
124. In the section 35F report the planning authority recommended the zoning is not modified. The reasons include:
- areas of the land are within the medium and low landslip hazard bands;
 - the land is able to be serviced with water, sewer and stormwater; and
 - given the landslip potential of the land and the lack of documentation assessing the suitability of the land for higher density development, rezoning is not recommended.
125. At the hearing, the Mr Johnson submitted that there are no landscape values on the site and environmental weeds are widespread. Therefore, the purpose statements of the Landscape Conservation are inconsistent with the attributes of the site and those of the Low Density Residential Zone are more appropriate, noting that the zone can be applied to areas with environmental constraints.
126. Mr Johnson submitted that the Landslip Hazard Code would apply to the future development of the land and this would ensure adequate consideration of landslip hazard for any future subdivision or development. Mr Johnson also submitted that there is other land in the vicinity that is subject to medium landslip hazard that is already developed with dwellings.
127. It was submitted that the site provides elevated views of the coast and the most readily developed parts of the site are on the southern edge, which is both most elevated and flattest.
128. At the hearing, the planning authority submitted that the Landscape Conservation Zone can be applied to land zoned Environmental Living in accordance with Guideline No.1. The planning authority also stated that an alternative zone such as Low Density Residential could result in as many as 10 lots, subject to specialist geotechnical advice.
129. As with representation 13 above, the Department of State Growth submitted that representations requesting a change in zoning where land is subject to the medium landslip hazard band would normally be required to provide strategic justification for the rezoning, together with supporting technical and environmental information.

Commission consideration

130. The Commission considers that the characteristics and values of the land are not consistent with the Landscape Conservation Zone purpose statements. However, the Commission considers that, at this time, insufficient evidence has been provided in relation to landslip

hazard. This land may be suitable for the Low Density Residential Zone subject to appropriate geotechnical that supports residential development.

Commission decision

131. The Commission considers that no modifications are required.

Low Density Residential Zone - various locations in Ulverstone and West Ulverstone

Representations to originally exhibited draft LPS: Adrienne and Mark Heikkinen (18), Brian Tindal (19), Stuart and Carol Steyn (20), Brett and Sue Ferguson (21)

132. Adrienne and Mark Heikkinen supported rezoning to the Low Density Residential Zone for 10 Knights Road, West Ulverstone. Representations 19 (10 Waverley Road, Ulverstone), 20 (5 Maxwell Street, West Ulverstone) and 21 (3 Maxwell Street, West Ulverstone) requested that the land be revised from the Low Density Residential Zone to the Rural Living Zone.

133. The reasons provided in representations 19, 20 and 21 include:

- concerns about changes to the character of the area; and
- concerns about being able to continue keeping livestock.

134. In the section 35F report the planning authority recommended the zoning is not modified. The comments include:

- land in Maxwell Street is serviced by reticulated water, sewer and stormwater services;
- in 2017 an amendment to the Central Coast Interim Planning Scheme 2013 inserted a Table for the Maxwell Street area, reducing the minimum lot area to 4,000m² and setbacks to 10m for frontage and 5m to rear and sides;
- Rural Living Zone standards of the Tasmanian Planning Scheme are designed to accommodate lots with land areas that exceed 1ha where services are limited and are not the most suitable for the Maxwell Street area;
- Low Density Residential best suits this area, due to the existing size of allotments and the service capability of the land. A combination of the Part 5 Agreement and the Attenuation Code will limit further subdivision of land in close proximity to the waste water treatment plant; and
- Resource Development is Prohibited in the Low Density Residential Zone but No Permit Required, if for grazing only, in the Rural Living Zone - existing use rights would allow for continued grazing of cattle, horses, etc.

135. At the hearing, the planning authority confirmed that the Low Density Residential Zone was applied because it most closely fits the current lot size.

Commission consideration

136. The Commission acknowledges that the existing use and development of the land does not wholly reflect the allowable uses or minimum lot size for the Low Density Zone or the Rural Living Zone A but it agrees with the planning authority that it more closely fits with Zone Purpose and standards for the Low Density Residential Zone.

Commission decision

137. The Commission considers that no modifications are required.

Low Density Residential Zone - 80 Deviation Road, Penguin

Representations to originally exhibited draft LPS: Vince De Santis (24)

138. The representor requested that land at 80 Deviation Road, Penguin be revised from the Agriculture Zone to the Low Density Residential Zone.
139. In response to the representations to the originally exhibited draft LPS, the Commission directed substantial modifications².

Representations to substantially modified part

140. No representations were received.
141. In response to the Commission's direction following the hearing, the planning authority submitted that it supports the substantially modified part in relation to 80 Deviation Road, Penguin.

Commission consideration of substantially modified part

142. As there were no representations, and the planning authority supports the modification, the Commission considers the substantially modified part is appropriate.
143. In an LPS, the priority vegetation overlay is not applied to land in the Agriculture Zone but may apply to land in the Low Density Residential Zone. The entire priority vegetation overlay map, before removing non-applicable zones, provided by the planning authority in Appendix 2 of the Central Coast draft LPS Supporting Report, February 2019 shows the overlay applying to 80 Deviation Road, Penguin (folio of the Register 121621/1).
144. Therefore, the Commission considers that a consequential modification to apply the priority vegetation area overlay to 80 Deviation Road, Penguin (folio of the Register 121621/1) is required.

Commission decision on substantially modified part

145. The Commission considers that a modification is required to the substantially modified part to apply the priority vegetation area overlay to 80 Deviation Road, Penguin (folio of the Register 121621/1).
146. Therefore, modification to the originally exhibited draft LPS is:
- revise the zoning of 80 Deviation Road, Penguin (folio of the Register 121621/1) to the Low Density Residential Zone; and
 - apply the priority vegetation area overlay to 80 Deviation Road, Penguin (folio of the Register 121621/1) in accordance with the area of the overlay shown on Map sheet 4 in Appendix 2 of the Central Coast draft LPS Supporting Report, February 2019.
147. Reason:
- To apply the Low Density Residential Zone consistent with the purpose of the zone and Guideline No. 1.
 - To apply the priority vegetation area overlay consistent with Guideline No. 1.

Village Zone – Sprent

Representation to originally exhibited draft LPS: Amarlie Crowden (82)

² The decision and reasons to substantially modify part of the Central Coast draft LPS made on 6 November 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website

148. Ms Amarlie Crowden requested that Sprent, Upper Castra and Kindred be revised from the Rural or Agriculture Zones to the Village Zone.
149. The reasons include:
- Sprent, Upper Castra and Kindred are existing hinterland communities that are examples of rural communities not recognized as villages; and
 - Sprent, Upper Castra and Kindred all have 60km/h speed zones.
150. In the section 35F report the planning authority recommended the zoning is not modified. The comments included:
- the Village Zone is to provide for small rural centres with a mix of residential, community and commercial activity. There are no community service structures or commercial buildings in these locations ; and
 - Sprent is currently zoned Village. The planning authority seeks to incorporate the Sprent community recreation ground into the adjoining zone
151. At the hearing the planning authority submitted that the inclusion of the recreation ground and additional area as Village Zone at Sprent was an error.

Commission consideration

152. Notwithstanding that the extension of the Village Zone at Sprent was a mapping error, because it has been exhibited and planning outcomes are unlikely to be impacted, the Commission accepts the planning authority's recommendation that the zoning be retained.
153. With respect to the representation, the Commission considers that while a sense of place or identity associated with rural localities, may have community benefits, the application of zoning in the LPS is not an appropriate mechanism to achieve such a goal. Accordingly, the Commission does not support further extension of the Village Zone in other localities.

Commission decision

154. The Commission considers that no modifications are required.

Rural Living Zone A –281 Penguin Road and 11 Robertsons Road, West Ulverstone

Representations to originally exhibited draft LPS: R M and G A Kelly (26) and Elizabeth Haygarth (28)

155. The representors requested the zoning of land at 281 Penguin Road, West Ulverstone and 11 Robertsons Road, West Ulverstone, be revised from Rural Living Zone B to Rural Living Zone A.
156. The reasons include:
- land is outside the landslip hazard area and has been subdivided; and
 - loss of subdivision potential at 11 Robertsons Road.
157. In the section 35F report the planning authority recommended the zoning is not modified. The comments included:
- land is within an area identified as subject to medium landslip hazard;
 - regardless that the land is not subject to medium landslip it is at the toe of a medium landslip hazard area and no further subdivision is recommended.
158. At the hearing the planning authority confirmed that it applied the Rural Living Zone B where there is a medium landslip hazard in response to risk.

Commission consideration

159. The Commission notes that in both cases the land is within a broader area zoned Rural Living Zone B, and the planning authority has made a planning decision to zone the entire area as Rural Living Zone B.
160. The Commission considers that there is no compelling evidence to rezone the land to Rural Living Zone A given the proximity to agricultural land and the zoning of surrounding land which is also in the Rural Living Zone B.

Commission decision

161. The Commission considers that no modifications are required.

Rural Living Zone A - 21 Blue Wren Lane, West Ulverstone

Representations to originally exhibited draft LPS: Stephen and Karen Aldridge (31)

162. Mr Stephen and Mrs Karen Aldridge requested that the land at 21 Blue Wren Lane be revised from the Rural Living Zone B to Rural Living Zone A.
163. The reasons include:
- the land should be zoned Rural Living Zone A, the same as other Rural Living Zone A allotments in the Allens Road rural living area.
164. In the section 35F report the planning authority recommended the zoning is modified to the Rural Living Zone A. The comments include:
- land at 21 Blue Wren Lane is not subject to medium landslide hazard, and as such the proposal to rezone to Rural Living Zone B is a mapping error.

Commission consideration

165. The Commission accepts that the originally proposed zoning was a mapping error.

Commission decision

166. Modification:
- Revise the zoning of 21 Blue Wren Lane, West Ulverstone to the Rural Living Zone A; and
 - Revise the annotation on the zone map to reflect the revised zoning of 21 Blue Wren Lane, West Ulverstone above.
167. Reason:
- To apply the Rural Living Zone A consistent with the purpose of the zone and Guideline No. 1.

Rural Living Zone A - 110 Ironcliffe Road, Penguin

Representation to originally exhibited draft LPS: Stephen and Judy Jarman (32)

168. Mr Stephen and Mrs Judy Jarman requested that their land be revised from the General Residential Zone to the Rural Living Zone A.
169. The reasons include:
- the land is not in a serviced area; and
 - the dominant pattern of land use on the western side of the road is Rural Living.

170. In the section 35F report the planning authority recommended the zoning be revised to the Rural Living Zone A. The comments include:
- the land is outside the TasWater sewer network and there are stormwater issues if developed to General Residential standard;
 - rezoning for a lower density residential development is appropriate; and
 - the Rural Living Zone A would be in keeping with other land located on the western side of Ironcliffe Road, which has similar infrastructure constraints.

Commission consideration

171. The Commission notes that the subject land is at the boundary of General Residential Zone and adjoins land to the south in the Rural Living Zone A. The land is not serviced and would be inconsistent with the Zone Purpose for the General Residential Zone which under Guideline No.1 is to be applied to serviced residential land. The Commission agrees that the most suitable zone is the Rural Living Zone A.

Commission decision

172. Modification:
- Revise the zoning of 110 Ironcliffe Road, Penguin to the Rural Living Zone A; and
 - Revise the annotation on the zone map to reflect the revised zoning 110 Ironcliffe Road, Penguin above.
173. Reason:
- To apply the Rural Living Zone A consistent with the purpose of the zone and Guideline No. 1.

Rural Living Zone A – 1 and 4 Blackburn Drive, Turners Beach

Representation to originally exhibited draft LPS: Craig and Wendy Morris (25)

174. Mr Craig and Mrs Wendy Morris requested the zoning of 4 Blackburn Drive, Turners Beach be revised from the Rural Zone to the Rural Living Zone A and the zoning of 1 Blackburn Drive, Turners Beach be revised from the Rural Zone to the General Residential Zone.
175. The reasons include that property is too small and unsuitable for any viable agricultural activity.
176. In the section 35F report the planning authority recommended the zoning is not modified. The comments included:
- 4 Blackburn Drive has an area of 12.9ha and supports the 'berry patch' with associated primary industry operations including berry production and processing/packing, a café and a permit for visitor accommodation. The eastern part of the land is also subject to flooding. The planning authority recommends this title remains Rural.
 - 1 Blackburn Drive (folio of the Register 110201/1) is recommended for Rural Living Zone A.
177. At the hearing Mr and Mrs Morris submitted that it was now believed that the Rural Zone is the most appropriate zoning for 4 Blackburn Drive. The planning authority agreed.
178. Mr and Mrs Morris submitted that it would be desirable to have the option of building a house on 1 Blackburn Drive. The planning authority submitted that that an application can be made for a house under the Rural Zone.

179. The Department of State Growth noted concerns with potential impact on the rail network in their further submission of 20 December 2020:

A number of proposed rezonings have been supported in the Section 35F report, without appropriate consideration of the impacts on the State Road network (for example, representations 25, 29, 30 and 84). Generally, direct access onto the State Road network is not supported where frontage to a lower category road exists. Any new accesses require preparation of a traffic impact assessment, and Crown landowner consent from State Roads. As a limited access road, no new accesses are permitted on to the Bass Highway. It is noted that there are amenity issues associated with some of the proposed rezonings, due to proximity to the Bass Highway (Representation 29) and the rail network (Representation 25).

Commission consideration

180. The Commission agrees with Mr and Mrs Morris and the planning authority that the Rural Zone is the most appropriate zone for 4 Blackburn Drive. The Commission notes the proximity of the 1 Blackburn Drive to the railway and find that there is insufficient evidence of consideration of the required attenuation to the railway and therefore does not support the Rural Living Zone.

181. Commission decision

The Commission considers that no modifications are required.

Rural Living Zone A and General Residential - Brookvale Road, Ulverstone

Representation to originally exhibited draft LPS: Dot Bellinger for Brookvale Pty Ltd (79)

182. Ms Dot Bellinger requested the zoning of Rural Living Zone A for folios of the Register 128571/1 and 221123/1 and General Residential for folios of the Register 128570/8, 128570/9 and 128570/10.
183. The reasons included that unclear information had been provided by the planning authority.
184. In the section 35F report the planning authority recommended the zoning is not modified. The comments included:
- the land identified in folios of the Register 128571/1 and 221123/1 comprises class 3 and 4 land and is located within the Kindred-North Motton Irrigation District; and
 - folios of the Register 128570/8 and 128570/9 are currently zoned Rural Living and are proposed to be in the Rural Living Zone A. This is the most appropriate zone as the land is not serviced and no assessment has been taken to determine demand for the General Residential Zone or Low Density Residential Zone.

Commission consideration

185. The Commission notes that the land in question is not in an area recognised as a settlement in the regional strategy. The proposed rezoning is not consistent with policies in the regional strategy including Urban Settlement Areas at 4.3.1, in particular 4.3.1 (b) which promotes established settlement areas as the focus for growth and development. The proposed rezoning is also inconsistent with regional strategy policy for Agricultural Production 3.3.3, in particular (e) protect and buffer agriculture against incompatible use which may conflict and constrain potential for sustainable production. It is also inconsistent with regional strategy policies for Rural Land at 4.3.2.

186. The Commission notes that the planning authority also accepted the AK Consulting report recommendation that folios of the Register 128571/1 and 221123/1 in representations 79

remain in the Agriculture Zone. The Commission accepts that the Agriculture Zone is appropriate for this land.

187. The Commission finds no evidence to justify the request to revise the zoning of any of the land.

Commission decision

188. The Commission considers that no modifications are required.

General Residential Zone - Von Bibras Road, Ulverstone

Representations to originally exhibited draft LPS: George Fanous (39), Barry Smith (67)

189. Mr George Fanous and Mr Barry Smith requested the zoning of land at Von Bibras Road, Ulverstone and 1 Bretts Rd, North Motton be revised from the Agriculture Zone to the General Residential Zone.
190. The reasons provided by the representor at Von Bibras Road included:
- the land is more suited to the General Residential zone purpose, as it is a residential block of land in a residential area.
191. The representor at Bretts Road submitted that the property was the size of a house block and it was severely limited for growing crops or grazing.
192. In the section 35F report the planning authority recommended the zoning be revised to the Rural Zone. The comments included:
- adjoining land to the north and north-west of the property at Von Bibras Road is zoned General Residential. Land to the east and south is to be zoned Agriculture. Council has not determined that there be an expansion of the urban town boundary at this time. The land is constrained for agricultural production and;
 - land surrounding the property at 1 Bretts Rd, North Motton is zoned Agriculture, and the land is within the Kidred North Motton Irrigation District.
193. The Commission sought further advice from the planning authority in relation to the appropriate zoning of these properties.
194. Together with the assessment of these properties and other submissions for seeking rural zoning, the planning authority responded to the Commission's direction and commissioned the report 'Central Coast LPS – Review of Agriculture and Rural Zone Representations' by AK Consulting (5 March 2020). The AK Consulting report outlined a methodology which included analysis of the characteristics of each title and the use of decision rules to ensure consistency with the zone purpose of the Rural Zone and Agriculture Zone. The decision rules evaluate a range of characteristics, including consideration of the presence of prime agricultural land on the land or on surrounding land, existing irrigation resources, published land capability, natural values and adjacent land use.
195. AK Consulting recommended the Rural Zone the property at Von Bibras Road, and recommended the Agriculture Zone for 1 Bretts Road, North Motton.
196. The reasons for including the Von Bibras Road property in the Rural Zone is because it is adjacent to the General Residential Zone which is ideally suited to be next to the Rural rather than the Agriculture Zone. While the Bretts Road property is small and has no agricultural potential, it is surrounded by land appropriately zoned Agriculture and it was recommended for the Agriculture Zone to provide a consistent zoning pattern and to avoid spot zoning a single title.

Commission consideration

197. The Commission accepts the view of the planning authority and the AK Consulting report that the land at Von Bibras Road be zoned Rural and the land at 1 Bretts Road, North Motton remain in the Agriculture Zone.

Commission decision

198. The Commission considers that no modification is required for the land at 1 Brett's Road.

199. Modification:

- Revise the zoning of Von Bibras Road, Ulverstone (folio of the Register 241644/1) to the Rural Zone.

200. Reason:

- To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.

Rural Living Zone A - 43 Medici Drive, Gawler

Representation to originally exhibited draft LPS: David and Mandy Crawford (35)

201. Mr David and Mrs Mandy Crawford requested the zoning of 43 Medici Drive, Gawler be revised from the Rural Living Zone B to the Rural Living Zone A.

202. The reasons include:

- the property is the only one out of approximately 40 rural living properties in this area to be zoned in the Rural B zone, rather than the Rural A Zone.

203. In the section 35F report the planning authority recommended the zoning be revised to Rural Living Zone A. The comments include:

- it is the intent of the planning authority that land that is currently zoned Rural Living and subject to landslip be zoned Rural Living Zone B. However, other properties in the Medici Drive area have been proposed for Rural Living Zone A; and
- it is fair and reasonable that the subject lot not be dealt with separately to other lots in the Medici Drive area.

Commission consideration

204. The Commission notes that a 2019 geotechnical report has been prepared to address the landslip status of the land if it were to be developed, and that the advice indicates that provided any development is undertaken in accordance with the recommendations in the report, a tolerable level of risk can be achieved for development in the site. The Commission also notes that the adjoining land is in the Rural Living Zone A.

Commission decision

205. Modification:

- Revise the zoning of 43 Medici Drive, Gawler (folio of the Register 133805/3) to the Rural Living Zone A; and
- Revise the annotation on the zone map to reflect the revised zoning of 43 Medici Drive, Gawler above.

206. Reason:

- To apply the Rural Living Zone A consistent with the purpose of the zone and Guideline No. 1.

Rural Living Zone at Clayton Road East, Turners Beach

Representation to originally exhibited draft LPS: Paul Sprago, Karen Porter, Craig Morris and Helen Wilson (36)

207. The representors requested that the eastern part of the subject land, folio of the Register 115441/3, be revised from the Rural Zone to the Rural Living Zone A.
208. The reasons provided by the representors include:
- the land is not suitable for agricultural activities;
 - the land is compatible with the Rural Living Zone purpose and is suited to residential or visitor accommodation;
 - the railway line creates a buffer from the General Residential Zone; and
 - there is existing road access.
209. In the section 35F report the planning authority recommended the zoning is not revised. The comments include:
- the land is subject to flooding from Claytons Rivulet; and
 - an application for Residential (single dwelling) and Visitor Accommodation can be made under the proposed Rural Zone.
210. At the hearing the representors submitted that the site is subject to flooding and has no agricultural potential. However, the land is serviced and has potential for a range of opportunities, including commercial.
211. The planning authority submitted that the Rural Zone is considered the most appropriate.

Commission consideration

212. The Commission notes that there is currently no local strategy for this area and the area is not included in the Central Coast Rural Living Strategy.
213. The Commission finds that there is insufficient evidence to support revision of the proposed zoning. It has not been sufficiently demonstrated that the proposed rezoning is consistent with the regional strategy, in particular policy 4.3.1 Urban Settlement Areas.

Commission decision

214. The Commission considers that no modifications are required.

Rural Living Zone - 1991 Loongana Road, Loongana

Representation to originally exhibited draft LPS: Daniel Hosemans (41)

215. Mr Daniel Hosemans requested the land at 1991 Loongana Road, Loongana be revised from the Rural Zone to the Rural Living Zone.
216. The reasons include:
- some areas are steep and stony and not suitable for agriculture;
 - part of the site is subject to a conservation covenant and this may be extended;
 - intends to build a house and the Rural Zone is restrictive;
 - there are many other residential properties along Loongana Road; and
 - the land is more suited to be zoned Rural Living.
217. In the section 35F report the planning authority recommended that the zoning is not modified. The comments include:

- Council has not undertaken any studies of this land for Rural Living purposes and does not support the Rural Living Zone or other zoning for residential purposes.

218. At the hearing the planning authority confirmed that it considers the Rural Zone to be the most appropriate zone.

Commission consideration

219. There is currently no local strategy for this area. This area is not included in the Central Coast Rural Living Strategy. The Commission finds that there is insufficient evidence to support the proposed rezoning.

Commission decision

220. The Commission considers that no modifications are required.

Rural Living Zone - Nine Mile Road, Howth

Representation to originally exhibited draft LPS: Ben Hiscutt (33)

221. Mr Ben Hiscutt requested that the land be zoned Rural Living Zone A, rather than Agriculture.

222. The reasons provided include:

- the land does not meet the criteria for the Agriculture Zone;
- the agricultural value of the land is constrained by native browsing population that cannot be controlled by shooting; and
- the land adjoins the Allegra Drive residential estate and has a right-of-way connecting it to Denison Close.

223. In the section 35F report the planning authority recommended the zoning be revised to the Rural Living Zone A. The comments include:

- access is via a residential estate;
- the parcel is one of several small historic lots in this area; and
- the title is highly constrained for primary industry use

224. At the hearing Mr Hiscutt submitted that the agricultural area on the property was very small and the property is too steep to crop. Parts of the site contain native vegetation and there is also a dam on the property which the representor submitted is intended to be drained. The property is accessed along a reserved road across the adjoining agricultural land.

225. The planning authority supports the rezoning to Rural Living.

Commission consideration

226. There is currently no local strategy for this area. This area is not included in the Central Coast Rural Living Strategy.

227. The Commission finds that there is insufficient evidence to support the revision of the zoning. The application of the proposed Agriculture zone to the land is consistent with Guideline No. 1. The property is in common ownership with other adjoining properties that can be jointly utilised for agricultural activities. There is also insufficient evidence to demonstrate that the proposed rezoning is consistent with the regional strategy. In particular relevant policies are –

- 4.3.1 (b) to promote established settlement areas as the focus for growth and development;

- 4.3.1 (d) to match land supply to need and provide sufficient land within the designated urban settlement boundaries of each centre to meet forecast need for a time horizon of not less than 10 years but not exceeding 20 years;
- 4.3.2 – land use planning processes (a) make primary production the priority purpose and (b) limit use or development that does not have a need or reason to be located on rural land.

Commission decision

228. The Commission considers that no modifications are required.

Rural Living Zone - 76 Reynolds Road, Heybridge

Representation to originally exhibited draft LPS: Ros and Rob Hill (27)

229. The representors requested that the land at 76 Reynolds Road, Heybridge (folio of the Register 174599/1) be revised from the Rural Zone to the Rural Living Zone.
230. In response to the representations to the originally exhibited draft LPS, the Commission directed substantial modifications³.

Representations to substantially modified part

231. No representations were received.
232. In response to the Commission's direction following the hearing, the planning authority submitted that it supports the substantially modified part in relation to 76 Reynolds Road, Heybridge.

Commission consideration of substantially modified part

233. As there were no representations, and the planning authority supports the modification, the Commission considers the substantially modified part is appropriate.

Commission decision on substantially modified part

234. The Commission considers that no modifications are required to the substantially modified part.
235. Therefore, modification to the originally exhibited draft LPS is:
- Revise the zoning of 76 Reynolds Road, Heybridge folio of the Register 174599/1 to Rural Living Zone B; and.
 - Revise the annotation on the zone map to reflect the revised zoning of 76 Reynolds Road, Heybridge above.

236. Reason:

To apply the Rural Living Zone B consistent with the purpose of the zone and Guideline No. 1.

³ The decision and reasons to substantially modify part of the Central Coast draft LPS made on 6 November 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

Rural Living Zone – 172 Main Street, Ulverstone

Representations to originally exhibited draft LPS: Trevor McKenna (29), Department of State Growth (95)

237. In response to the representations to the originally exhibited draft LPS, the Commission directed substantial modifications⁴.

Representations to substantially modified part: Trevor McKenna (10)

238. Mr Trevor McKenna requested Rural Living Zone B be applied to 172 Main St, Ulverstone (folio of the Register 152582/1) as proposed in the originally exhibited draft LPS.

239. The reasons include:

- Mr McKenna would like to apply for a single dwelling on the site and is of the view that the site does not lack residential amenity;
- the distance of a dwelling from the Bass Highway and modern construction options would mitigate any impacts from proximity to the Bass Highway on residential amenity; and
- access to the site for rural activities is off the Bass Highway and disruptive to traffic.

240. In the section 35F, report the planning authority recommended the Rural Living Zone B be applied to 172 Main St, Ulverstone, as proposed in the originally exhibited draft LPS. The reasons include:

- the site is considered to be constrained for sustainable primary industry purposes; and
- the characteristics of the site are likely to result in an application for a single dwelling being Discretionary in both the Rural Zone and the Rural Living Zone B.

241. At the hearing, no additional information was submitted.

Commission Consideration of substantially modified part

242. The Commission considers that the characteristics of the site, in particular the predominant use of the Agriculture Zone for surrounding land, are not consistent with the Rural Living Zone purpose statement; RLZ 1 (a), RLZ 2 (a), and RLZ 4 (c) in Guideline No. 1; or the policy for managing rural land at 4.3.2 in the Cradle Coast Regional Land Use Strategy (the regional strategy).

243. The Commission acknowledges that the site has been isolated by development of the Bass Highway, making it difficult to determine the appropriate zoning. However, an application for a single dwelling will be Discretionary in either zone.

244. The Commission considers the application of the Rural Zone is consistent with the strategic zoning of the surrounding area, the policies of the regional strategy, and Guideline No. 1.

Commission decision on substantially modified part

245. The Commission considers that no modifications are required to the substantially modified part concerning application of the Rural Zone to 172 Main St, Ulverstone.

246. Therefore, modification to the originally exhibited draft LPS is:

⁴ The decision and reasons to substantially modify part of the Central Coast draft LPS made on 6 November 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

- revise the zoning of 172 Main St, Ulverstone (folio of the Register 152582/1) to the Rural Zone.

247. Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.

Commercial Zone - Westella Drive, Turners Beach (folio of the Register 115441/1)

Representation to originally exhibited draft LPS: 6ty° Pty Ltd on behalf of Lifestyle Caravans (84)

248. The representor requested that the land at Westella Drive, Turners Beach (folio of the Register 115441/1) be revised from the Rural Zone to the Commercial Zone or the Local Business Zone.

249. In response to the representations to the originally exhibited draft LPS, the Commission directed substantial modifications⁵.

Representations to substantially modified part: Department of State Growth (1), Jen and Theo Oosterloo (2), Janelle Little (3), Les and Suzanne Ranson (4), Peter Murfet (5), Kent Townsend (6), Rex and Heather Robinson (7), Margaret and Stuart Lee (8), Nathan Page (9)

250. The Department of State Growth did not dispute the application of the Commercial Zone to FR 115441/1. Rather, the Department is concerned that a number of safety and efficiency matters along the Bass Highway remain unresolved despite the recommendations of a traffic impact assessment provided by the proponent concern. A number of suggestions were made to mitigate these concerns.

251. The other representors object to application of the Commercial Zone to the site.

252. The reasons include:

- impacts on visual and residential amenity;
- incompatibility with residential environment;
- inconsistency with the Turners Beach Local Area Plan and the Cradle Coast Regional Land Use Strategy;
- historic movement of commercial activity away from Turners Beach;
- a lack of strategic planning to provide appropriate commercial land;
- insufficient assessment of potential environmental and residential impacts; and
- a lack of consultation.

253. In the section 35F report the planning authority recommended that the Rural Zone be applied to the site.

254. The reasons include:

- application of the Commercial Zone provides further subdivision potential and additional commercial use and development would be possible; and
- the Commercial Zone provides insufficient consideration of development impacts on amenity.

255. At the hearing, a submission in support of Commercial Zoning was accepted from Mr George Walker for Lifestyle Caravans. In response to the representations, the submission included:

- a comparison of aesthetic and amenity controls, and the potential for land use conflict across the Commercial Zone and the Rural Zone;

⁵ The decision and reasons to substantially modify part of the Central Coast draft LPS made on 6 November 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

- there is no merit to concerns in the representations regarding:
 - views, as there is no link to planning provisions;
 - a lack of consultation, as the statutory exhibition processes for substantial modifications constitute consultation; or
 - natural values, as Claytons Rivulet is within a different casement and the part adjacent to the site is concreted, TasVeg mapping does not detail anything significant, and the site is too fragmented by roads to form a wildlife corridor;
- a traffic engineers assessment considered that frontage to Westella Drive provides good sightlines for vehicle movements; and
- multiple uses can occur on this site without subdivision.

256. At the hearing, the planning authority stated that:

- a review of Commercial land occurred prior to drafting the LPS;
- a municipality wide review of the settlement strategy and provision of Light Industrial land has begun, and is likely to take 12 months;
- this strategic planning will affect future consideration of land use and development in Turners Beach;
- the Turners Beach Local Area Plan 2007 is currently used to inform planning decisions for the locality; and
- Burnie and Devonport are considered to be the primary location for industrial land in the region with the role of Ulverstone being more focused on providing for residential, services, and commercial uses where appropriate.

257. As the submission from Mr Walker for Lifestyle Caravans had not previously been made available to the representors and was submitted too late for the planning authority to consider, the representors and planning authority were provided with the opportunity to make a further submission.

258. Mr Ranson submitted that the majority of Councillors agree that commercial development is not suitable outside recognised areas and that this matter has resulted in building delays and extreme stress.

259. The planning authority submitted that the key factors in the Planning Authority's decision not to support the rezoning of this property to Commercial were:

- the characteristics and similarities of an active Commercial zone to a Light Industrial zone; and
- the subject lands proximity to the Turners Beach residential area and the Bass Highway.

260. The Planning Authority acknowledged a lack of land in the Commercial Zone in Central Coast, that the matter may not have been adequately addressed as part of the draft LPS process, and concluded that a strategic study was required to determine sites that may be better suited to light industrial and bulky commercial land use.

261. The Planning Authority considers the application of the Commercial Zone at this site to be:

- detrimental to the landscape characteristics forming the entry to Ulverstone;
- inconsistent with the regional strategy's emphasis on settlement centres remaining separate, compact, contained and individual; with growth and development for housing, business and community purposes being achieved through a careful mix of intensification within established urban boundaries and considered expansion;
- inconsistent with the regional strategy's activity centre hierarchy; and
- inconsistent with the Turners Beach Local Area Plan 2007.

262. The Planning Authority supports Mr Ranson's submission.

Commission consideration of substantially modified part

263. The Commission accepts that there is a lack of available suitable vacant land for commercial use in the municipality and considers that the strategic planning program currently being undertaken by council is the most appropriate process for considering and allocating land uses.
264. The Commission accepts the planning authority's and representors views that the application of the Commercial Zone to the site is inconsistent with the Turners Beach Local Area Plan and the settlement and activity centres hierarchies in the regional strategy.
265. The Commission also considers the conditions that Department of State Growth indicate would be imposed to maintain safety and efficiency of the Bass Highway are further indication of the inappropriateness of this site for commercial use and development.
266. With the further assessment enabled by exhibition of the substantial modifications, in particular information related to the Turners Beach Local Area Plan, the Commission considers that application of the Rural Zone is consistent with RZ 1 of Guideline No. 1, policies 4.3.1 and 4.3.2 of the regional strategy, and the Turners Beach Local Area Plan and accepts the planning authority's recommendation in the s35F report that this site be zoned Rural, as proposed in the originally exhibited draft LPS.

Commission decision on substantially modified part

267. The Commission considers the substantially modified part concerning application of the Commercial Zone to Westella Drive, Turners Beach (folio of the Register 115441/1) is not appropriate.
268. Therefore, no modifications are required to the zoning or priority vegetation overlay in the originally exhibited draft LPS.

Landscape Conservation Zone at Wilmot Road, Forth

Representation to originally exhibited draft LPS: RH and LM Scolyer (68)

269. RH and LM Scolyer requested revision of land at Wilmot Road, Forth (folio of the register 116188/1) from the Agriculture Zone to the Landscape Conservation Zone.
270. The reasons provided include:
 - the land is not suitable for agriculture zoning due to rocky soil and flooding;
 - there is an area of land with large gum trees; and
 - RH and LM Scolyer would like the option of building a house in one of the areas on the land that doesn't flood.
271. In the section 35F report the planning authority recommended the zoning be revised to the Landscape Conservation Zone. The comments included:
 - the land is subject to the Flood Prone Areas overlay.

Commission consideration

272. The Commission acknowledges that there are limited agricultural values on the land and that zoning for Agriculture is not appropriate. However, while the planning authority supports the representor's request for the Landscape Conservation Zone, there are limited conservation values on the land.
273. The attributes of the land are most consistent with the purpose statements of the Rural Zone.

Commission decision

274. Modification:

- Revise the zoning of land at Wilmot Road, Forth (folio of the register 116188/1) to the Rural Zone.

275. Reason:

- To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.

Rural Zone – various locations

Representations to originally exhibited draft LPS: S and D Evans (37), A and S Smith (38), Paul O’Halloran (40), Ben Fielding (42), Larry and Anita Parker (43), Peter and Judy Brown (44), David and Cindy Boddan (45, 46), David Johnston (49), Jamie and Natalie Clarke (50, 51), DR Chalmers and R Greiner (52), Thomas Peachey (53), SM and AA Swain (54), Phil and Raeleen Leaver (55), RH and PJ Medwin (56), Ben Hiscutt (57), Ben Hiscutt for Desmond Hiscutt (58), Warren Fairbrother (59), Rebecca Pearce (60), Erika Krummins and Dirk Fuellgrabe (61), Robin Jupp (62), David and Lisa Ryan (63), Jenni McArthur (64), Brian Robertson (65), Barry Smith (67), Mehdi Gharib (69), Rodney and Susan Duff (70), Russell Smith (71), Robert Stones (72), Greg Stones (73), Annette and Eckhard Kalka (74); Peter Collenette (75), Peter Tagett obo MJ and TC Rice and NS Mainwaring (76), Steven McKeown and Tory Manison (77), Mark Dearing (78), Kaye Britton for RJ and KE Britton (80)

276. The representors requested revision from the Agriculture Zone to the Rural Zone for various locations, apart from Steven McKeown and Tory Manison who requested revision from the Environmental Management Zone to the Rural Zone.

277. In the section 35F report, the planning authority supported revision to the Rural Zone for some but not all of the representations.

278. For the land referred to in representations 55 (Leaver), 56 (Medwin), 61 (Krummins and Fuellgrabe), 64 (McArthur), 67 (Smith), 72 (R Stones), 76 (Rice and Mainwaring) and 80 (Britton) (folio of the Register 179127/1 and 221123/1), the planning authority recommended that the land remain in the Agriculture Zone.

279. The comments for these included:

- the property and surrounding land is located in an area that is to be zoned Agriculture.

280. For representations 37 (Evans), 38 (A and S Smith), 40 (O’Halloran), 42 (Fielding), 43 (Parker), 44 (Brown), 45 and 46 (Boddan), 49 (Johnston), 50 & 51 (Clarke), 52 (Chalmers and Greiner), 53 (Peachey), 54 Swain), 57 (B Hiscutt), 58 (D Hiscutt), 59 (Fairbrother), 60 Pearce), 62 (Jupp), 63 Ryan), 65 (Robertson), 69 (Gharib), 70 (Duff), 71 (R Smith), 73 (G Stones), 74 Kalka), and 77 (Collenette), the planning authority recommended that the zoning be revised to the Rural Zone. It noted that representations 75 (Collenette) and 78 (Dearing) were already in the Rural Zone.

281. Representations 69 (Gharib) and 56 (Medwin) submitted land capability reports from agricultural consultants in support of requests that their land be revised to the Rural Zone. Representation 76 (Rice and Mainwaring), which requested split zoning to the Rural Zone and the Agriculture Zone, was also accompanied by a land capability report.

282. The comments from the planning authority on why it had recommended the Rural Zone include:

- the land is small in area and constrained for agricultural production;
- land is largely surrounded by Rural, Rural Living or Environmental Management zoned land;

- a report from an agricultural consultant identifies the land classification is low;
 - land is subject to landslide hazard;
 - land is covered in native vegetation;
 - land has poor drainage;
 - land is developed for a dwelling.
283. At the hearing, the Commission heard from Mr Zenon Aleska regarding land at 818 Preston Road, North Motton (folio of the Register 11342/1); and from the adjoining land owner, Ms Wendy McMullen (Preston Road, North Motton, folios of the Register 240522/1 and 200483/1), who submitted that both properties should be revised to the Rural Zone on the basis that they were unsuitable for agricultural use.
284. Acknowledging that the Tasmanian Planning Scheme changes necessitated the application of comprehensive new guidelines for the zoning of land from the existing Rural Resource Zone to the new Agriculture or Rural Zones, the Commission requested the planning authority set out its methodology for applying the Rural and Agriculture Zones. In this regard it requested that reference be made to Guideline No.1, for the Rural Zone - RZ 1-3 and for the Agriculture Zone - AZ1-7, the PAL Policy Principle 2, and the regional land use strategy, so that the Commission could better understand the reasons that revision was recommended.
285. On receipt of a further submission from the planning authority the Commission was not satisfied in all instances with the evidence provided by the planning authority and representors that the proposed Agriculture Zone should be revised to the Rural Zone.
286. With the exception of representations 53 (Peachey), 65 (Robertson), 75 (Collenette) and 77 (McKeown and Manison), the Commission sought a more detailed response from the planning authority.
287. The planning authority responded by commissioning the report 'Central Coast LPS – Review of Agriculture and Rural Zone Representations' from AK Consultants (5 March 2020), AK Consultants special expertise is in the areas of agriculture and natural resource management.
288. AK Consultants reviewed 37 representations which covered 41 individual titles. AK Consultants recommended the Rural Zone for each of the above listed representations it reviewed with the following exceptions which were recommended for the Agriculture Zone:
- 804 Forth Road, Forth (37 Evans);
 - Barkers Rd, South Riana (42 Fielding);
 - 20 Lees Rd, Gawler (49 Johnston)
 - 1608 and 1610 Pine Rd, South Riana (50 and 51 Clarke);
 - Motts Rd, Gawler (54 Swain);
 - 490 Wilmot Rd, Forth (56 Medwin);
 - 42 Nine Mile Rd, Howth (57 B Hiscutt);
 - Nine Mile Rd, Howth (58 D Hiscutt);
 - 114 Edinborough Rd, Abbotsham (59 Fairbrother);
 - 189 West Ridge Rd, Penguin (61 Krummins and Fuellgrabe);
 - 35 Chellis Rd, Riana (64 McArthur);
 - 1 Bretts Rd, North Motton (67 B Smith);
 - 85 Duffs Rd, Riana (69 Gharib);
 - 1169 Pine Rd, Riana (70 Duff);
 - Lot 1 Edinborough Rd, Abbotsham (71 R Smith);
 - Castra Rd, Spalford (72 R Stones);
 - Castra Rd, Upper Castra (73 G Stones);

- 184 Wilmot Road, Forth (74 Kalka) which comprises two titles, with folio of the Register 26342/2 being recommended for the Agriculture Zone, and folio of the Register 122039/1 recommended for the Rural Zone.
 - Lot 1 Albert Rd, Howth (76 Rice and Mainwaring); and
 - 51 Horns Rd, Riana (80 Britton)
289. The planning authority agreed with the AK Consultants report recommendations for the retention of the Agriculture Zone for representations 56 (Medwin), 61 (Krummins and Fuellgrabe), 64 (McArthur), 67 (B Smith), 72 (R Stones), 76 (Rice and Mainwaring) and 80 (Britton), in addition to those the planning authority previously recommended in the section 35F report remain in the Agriculture Zone.
290. The planning authority also supported the recommendation in the AK Consultants report that the Rural Zone was appropriate for representations 38 (A Smith), 40 (O'Halloran), 43 (Parker), 44 (Brown), 45 and 46 Boddan), 52 (Chalmers and Greiner), 55 (Leaver), 60 (Pearce), 62 (Jupp), 63 (Ryan, 74 (Kalka) (folio of the Register 122039/1 recommended for the Rural Zone) and 818 Preston Road (folios of the Register 11342/1 (Aleska) and 240522/1 (McMullen)).
291. The planning authority also submitted that after reviewing the AK Consultants report, it agreed with recommendations for application of the Agriculture Zone for the properties referred to in representations 50 and 51 (Clarke), previously recommended in the section 35F report for the Rural Zone and the submission received at the hearing in relation to folio of the Register 200483/1 (McMullen).
292. The planning authority stated that it did not support the recommendations in the AK Consultants report in relation to representations 37 (Evans), 42 (Fielding), 49 (Johnston), 54 (Swain), 57 (B Hiscutt), 58 (D Hiscutt), 59 (Fairbrother), 69 (Gharib), 70 (Duff), 71 (R Smith), 73 (G Stones) and 74 (Kalka)(for folio of the Register 26342/2 only). Its reasons were based on its support for the claims made by the representors, as outlined earlier, including a range of site constraints, land capability classification, limited area of land and the like.
293. Representations 57 (B Hiscutt) and 58 (D Hiscutt) responded to the AK Consultants report submitting that the decision rules had not been complied with because it had been assumed that the titles are part of an adjoining enterprise, when they are each separately leased out and one title is bounded by a strip of proposed Nature Reserve and is adjoined by hobby farms.
294. Representation 49 (Johnston) responded to the AK Consultants report submitting that over 50% of the property is class 4 and 5 and below, and that over 80% of the property is mapped as medium landslip, is very steep in parts and should be zoned Rural consistent with the adjoining property at 50 Lees Road.
295. The Commission requested clarification from the planning authority on the basis of its opinion on the issues arising from the representations listed in the above three paragraphs, being representations 37, 42, 49, 54, 57, 58, 59, 69, 70, 71, 73, and 74, for which the AK Consultants report recommendations were not supported. The planning authority submitted that its view was based on local knowledge, history and practical experience.
296. At a resumed hearing on 24 July 2020, the Commission heard further from the planning authority in relation to the AK Consultants recommendations that the planning authority did not support and from representors 54, 57, 58 and representor 49.

Commission consideration

297. As mentioned above, the Tasmanian Planning Scheme changes necessitated the application of comprehensive new guidelines for the zoning of land from the existing Rural Resource Zone to the new Agriculture or Rural Zones.
298. The foundation of these guidelines was the 'Land Potentially Suitable for Agriculture Zone' map published on the LIST, an outcome of an Agricultural Land Mapping Project conducted by Department of Justice, Planning Policy Unit on what is described as the 'agriculture estate', which attempted to identify all land suitable and unconstrained for a broad range of agricultural activities. While ownership and size of lots were a relevant consideration, suitability for agriculture included potential for agricultural production on adjoining land, regardless of ownership, and avoidance of zoning of land that may constrain or conflict with agricultural activity.
299. The guidelines for the application of the Agriculture and Rural Zones are set out in detail in *Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*, a document that was approved by the Minister under section 8A of the Act.
300. The guidelines require assessment for zoning purposes against a range of considerations, including more detailed local analysis consistent with the regional land use strategy.
301. The process of assessment outlined above, that has been followed by the planning authority, together with the benefit of the specialist advice of AK Consultants, sought to give effect to the guidelines.
302. In its approach to the application of the appropriate zone, be it Agriculture or Rural, AK Consultants adopted three zoning principles. The principles were –
- *Consistency of land use patterns* - titles that have characteristics that are suitable for either the Rural or Agriculture Zone (based on the State-Zone Application Framework Criteria) should be zoned based in surrounding titles with the primary aim of providing a consistent land use pattern. For planning purposes, a consistent zoning pattern is preferable to fragmented zoning patterns
 - *Adjacent titles owned by the same entity to be included in the same zone where possible* – Adjacent titles under the same ownership are most likely farmed in conjunction. By zoning these titles under the same zone, land holders will have consistency of Planning Scheme permitted uses. However, current land use practices should also be considered as there may be instances where titles under the same ownership are utilized for different land uses which are more appropriately zoned differently. This will potentially be the case for larger titles where split zoning may be appropriate.
 - *Split zoning of titles to only occur in exceptional circumstances* – Split zoning is only to occur on titles that have significantly divergent agricultural potential. This will generally occur on larger titles.
303. At the hearing of the 24 July, the planning authority did not contest the AK Consultants approach, but indicated that in relation to some representations and properties it had reached a different conclusion to that of AK Consultants and thus did not accept their advice. Those matters are discussed in detail below.
304. Based on the information in the representations and the recommendations of the planning authority in its section 35F report in response to the representations, the Commission accepts that representations 53 (Peachey), 65 (Robertson), 77 (McKeown and Manison) and 37 (Evans) may be revised to the Rural Zone. These representations were not the subject of a further review by AK Consultants and representation 77 was proposed to be zoned Environmental Management.

305. Representations 38 (Smith), 39 (Fanous), 40 (O'Halloran), 43 (Parker), 44 (Brown), 45 and 46 (Boddan), 52 (Chalmers and Greiner), 55 (Leaver), 60 (Pearce), 62 (Jupp), 63 Ryan), 74 (folio of the Register 122039/) (Kalka), 78 (Dearing) and 818 Preston Road (folio of the Register 11342/1) (Aleska) and Preston Road, North Motton (folio of the Register 240522/1) (McMullen) were recommended by both the planning authority and AK Consultants to be in the Rural Zone. Based on the information in the representations and the recommendations of the planning authority and AK Consultants the Commission agrees that the Rural Zone is the most appropriate zone.
306. The Commission notes that the planning authority also accepted the AK Consultants report recommendation that representations 50 and, 51 (Clarke) 56 (Medwin), 61 (Krummins and Fuellgrabe), 64 (McArthur), 67 (Duff), 72 (R Stones), 76 (Rice and Mainwaring) and 80 (Britton) and the hearing submission in relation to folio of the Register 200483/1 (McMullen) remain in the Agriculture Zone. Based on the information in the representations and the recommendations of the planning authority and AK Consultants, the Commission accepts that the Agriculture Zone is appropriate for this land.
307. In a written response to the AK Consultants report, the planning authority submitted that the Rural Zone should be applied to land the subject of representations 37 (Evans), 42 (Fielding), 49 (Johnston), 54 (Swain), 57 (B Hiscutt), 58 (D Hiscutt), 59 (Fairbrother), 69 (Gharib), 70 (Duff), 71 (R Smith), 73 (G Stones) and 74 (Kalka) for which the AK Consultants report recommended the application of the Agriculture Zone.
308. The planning authority stated at the hearing that it came to its views based on judgement of individual circumstances.
309. The AK Consultants advice to the planning authority and the planning authority recommendations in relation to the 12 properties is set out below:
310. 804 Forth Road, Forth (Representation 37)
- *Planning Authority Recommendation:*
The planning authority maintains the view that the while respecting the opinion of AK Consulting, the property at 804 Forth Road, Forth would be best served by a Rural zoning rather than the more restrictive Agriculture zoning. The Land Capability Assessment of the land by Davey and Maynard in 2004 identified that no prime land exists on the property, the land is best Classified at Class 4, 5 and 7, the land is not suitable and is constrained for agricultural purpose and would be best suited to uses associated with primary industry and available under the Rural zone (e.g. veterinary clinic).
 - *AK Consultants Advice:*
The title has low agricultural potential due to it characteristics of size, assessed land capability and an existing dwelling. However, retaining this title in the Agriculture zone is necessary from a strategic land use planning perspective to ensure a consistent zoning pattern which does not cut the adjacent title to the east (CT 143535/3) off from the rest of the Agriculture Zone to the west of the subject title.
311. Barkers Road, South Riana (Representation 42)
- *Planning Authority Recommendation:*
The planning authority maintains the view while respecting the opinion of AK Consulting the property at Barkers Road, South Riana would be best served by a Rural Zoning, as the property contains steep slopes and lacks irrigation.

- AK Consultants Advice:
The title, while small in area, has the ability to be farmed in conjunction with land to the north. It was also mapped as unconstrained and there is not sufficient justification to remove it from the Agricultural Zone.
312. 20 Lees Road, Gawler (Representation 49)
- *Planning Authority Recommendation:*
The planning authority maintains the view that while respecting the opinion of AK Consulting, the the property at 20 Lees Road, Gawler should be a Rural zoning. The Planning Authority supports the representation. Nearly all of this property is within a landslip area and the area is quite steep. It is identified as a hobby farm only.
 - *AK Consultants Advice:*
Approximately half the title is mapped as prime agricultural land and was also mapped as unconstrained by the ALMP mapping. The title could also be farmed in conjunction with agricultural land to the north and east with similar characteristics. It is also currently utilised for beef grazing which is an agricultural activity and there are also water resources associated with the title. The Agriculture Zone is recommended.
313. Motts Rd, Gawler (Representation 54)
- *Planning Authority Recommendation:*
The planning authority maintains the view that while respecting the opinion of AK Consulting, the property at CT76882/1 Motts Road, Gawler should be zoned Rural. The AK Consulting report states no agricultural potential and the report from Agronico suggests no agricultural zoning will be affected.
 - *AK Consultants Advice:*
While this title has no agricultural potential itself, it is adjacent to highly productive agricultural land. Consideration of risk of future fettering of the adjacent land needs to be taken into account. All surrounding titles are also proposed to be zoned Agriculture, so zoning this title Rural would create a spot zoning situation. The title is recommended to be retained in the Agriculture zone. In either the Agriculture or the Rural Zone, the biggest hurdle a future dwelling would face on this title is demonstrating sufficient setbacks from adjacent agricultural use.
314. 42 Nine Mile Road, Howth (Representation 57)
- *Planning Authority Recommendation:*
The planning authority maintains the view that the property at 42 Nine Mile Road Howth would be best served by a Rural zoning. The land is constrained for agricultural production due to landslide, soil classification and poor drainage.
 - *AK Consultants Advice:*
The land was mapped as unconstrained through the ALMP. While there are areas mapped as prime agricultural land, these are likely less that the published mapped areas based on the information provided in the representation. However the titles is farmed as part of a holding with commercial scale characteristics and is utilised for agricultural enterprises (beef grazing, small are for occasional cropping). It is recommended that the title is retained in the Agriculture Zone
315. Nine Mile Road, Howth (Representation 58)

- *Planning Authority Recommendation:*
The planning authority maintains the view that the property at CT17369/1 Nine Mile Road Howth would be best served by a Rural zoning. Land comprises medium and medium active landslide and is significantly constrained for agriculture
 - *AK Consultants Advice:*
The land was mapped as unconstrained through the ALMP. While there are areas mapped as prime agricultural land, these are likely less than published mapped areas based on the information provided in the representation. However, the title is farmed as part of a holding with commercial scale characteristics and is utilised for agricultural enterprises (beef grazing, small area for occasional cropping). It is recommended the title is retained in the Agriculture Zone.
316. 114 Edinbrough Rd, Abbotsham (Representation 59)
- *Planning Authority Recommendation:*
The planning authority maintains the view that while respecting the opinion of AK Consulting, the property at 114 Edinborough Road, Abbotsham should be zoned Rural. The AK Consulting report states no agricultural potential.
 - *AK Consultants Advice:*
The title has no agricultural potential and is best described as a lifestyle lot. The title is part of a cluster of titles with similar characteristics. However, because all adjacent titles are proposed to be zoned Agriculture this title should also be retained in the Agriculture Zone, to ensure a consistent zoning pattern and avoid spot zoning.
317. Duffs Rd, Riana (Representation 69)
- *Planning Authority Recommendation:*
The planning authority maintains the view that while respecting the opinion of AK Consulting, the property at CT52941/1 Duffs Road, Riana would be best served by a Rural zoning. The block is identified as having no water and has single ownership. It is identified as a lifestyle block. A
 - *AK Consultants Advice:*
Adjacent titles to the west, north and east have all been zoned agriculture. The subject title can be farmed in conjunction with any of these titles. While the title to the south has been zoned Rural because it has an existing PTR, this title would've likely been better included in the Agriculture zone for better zoning consistency. The subject title is recommended to be retained in the Agriculture zone.
318. 1169 Pine Road, Riana (Representation 70)
- *Planning Authority Recommendation:*
The planning authority maintains the view that while respecting the opinion of AK Consulting, the property at 1169 Pine Road, Riana would be best served by a Rural zoning. A report from Darren Briggs from Roberts identifies the class of land @ 5.5-5.9 which is not suitable for agriculture. The land also has no access to water.
 - *AK Consultants Advice:*
The title is mapped as prime agricultural land and was mapped as unconstrained by the ALMP. While the size it relatively small, the land can be utilised for agriculture, could potentially access irrigation water and be farmed in conjunction with nearby land, or it

could be developed for an intensive agricultural use it in its own right. There is potential for some constraints from adjacent dwelling, however, not enough to rule out potential intensification of the land. The title is recommended to be retained in the Agriculture zone, mainly because of the Land Capability and existing use.

319. Lot 1 Edinborough Rd, Abbotsham (Representation 71)

- *Planning Authority Recommendation:*

The Planning Authority maintains the view that while respecting the opinion of AK Consulting the property at Lot 1 Edinborough Road, Abbotsham should be zoned Rural. There is significantly poor soil and slopes along with an amount of native vegetation.

- *AK Consultants Advice:*

The title has some agricultural potential and has an existing water resource, with both a summer and winter allocation. The title was mapped as unconstrained. All adjacent titles are also proposed to be zoned Agriculture, so it is recommended that this title should also be retained in the Agriculture zone to provide for zoning consistency.

320. Castra Road, Upper Castra (Representation 73)

- *Planning Authority Recommendation:*

While respecting the opinion of AK Consulting, the Planning Authority maintains the view that the property at CT148922/1 Castra Road, Upper Castra, should be zoned Rural. This property is mostly native vegetation, has been identified as hobby potential only and has poor soil.

- *AK Consultants Advice:*

Mapped as unconstrained and can be utilised for grazing. Could be farmed in conjunction with agricultural land to the west. The title is recommended to be retained in the Agriculture zone.

321. 184 Wilmot Rd, Forth (Representation 74)

- *Planning Authority Recommendation:*

While respecting the opinion of AK Consulting, the Planning Authority maintains the view that both titles at 184 Wilmot Road, Forth should be zoned Rural. This property is mostly native vegetation, has been identified as hobby potential only and has poor soil.

- *AK Consultants Advice:*

- CT 122039/1 is recommended to be retained in the Rural Zone.
- CT 26342/3 is recommended to be retained in the Agriculture Zone. This title is partially mapped as being prime agricultural land and it also has potential to be farmed in conjunction with agricultural land to the west, which displays similar characteristics.
- North and south of the subject titles, along the Forth River, there appears to have been a missed opportunity to include more titles within the Rural Zone.

322. In all the above matters, except for Representation 37, regarding 804 Forth Road, Forth, the Commission prefers the assessment and recommendations of AK Consultants to the recommendations of the planning authority. The focus of the planning authority assessment and recommendations is on individual parcels of land. The intent of the section 8A Guidelines for the application of the Agriculture Zone is to take into account wider considerations than the characteristics of individual parcels of land. The rationale is to maximise the areas of the agriculture estate in Tasmania available for agricultural activities and to avoid conflicting land

uses that may inhibit agricultural activities. The assessment and recommendations of AK Consultants are directed to achieving that objective.

323. The Commission considered planning authority did not apply a consistent and replicable methodology and was unable to provide compelling reasons for not supporting the AK Consulting recommendations.
324. The Commission finds that application of the Agriculture Zone is consistent with AZ1 of Guideline No.1. for representations 42, 49, 54, 57, 58, 59, 69, 70, 71, 73 and 74. They are all mapped as unconstrained in the land potentially suitable for agriculture mapping, and have been recommended by AK Consultants to remain in the Agriculture Zone, based on a consistent methodology accepted by the Commission.
325. In relation Representation 37, the property 804 Forth Road, Forth, it was identified in the AK Consultants report as having low agricultural potential due to its characteristics of size, assessed land capability and an existing dwelling. The Commission finds that this property is suitable to be zoned Rural as it meets RZ 3(a) of Guideline No 1.
326. Therefore, the Commission considers no modification is required to any land, with the exception of the properties listed in the modification below.

Commission decision

327. Modification:

- Revise the *zoning* of the following land to the Rural Zone:
 - 164 Hardys Rd, Penguin (folio of the Register 119768/2);
 - Von Bibras Rd, Ulverstone (folio of the Register 241644/1);
 - 180 Harveys Rd, North Motton (folio of the Register 165516/2);
 - 463 Ironcliffe Rd, Penguin (folio of the Register 239920/2);
 - 511 Ironcliffe Rd, Penguin (folio of the Register 229363/1);
 - 32 Deviation Rd and 28 Warren Drive, Penguin (folios of the Register 21490/1 and 132284/1);
 - 121 Cullens Rd, Preston (folios of the Register 229509/1 and 210598/1);
 - 461 Ironcliffe Rd (folio of the Register 26287/1);
 - 1329 Gunns Plains Rd, Gunns Plains (folio of the Register 221040/1);
 - 90 Browns Lane, Penguin (folio of the Register 88561/1);
 - 78 Reynold Rd (folio of the Register 141955/1);
 - 184 Wilmot Rd, Forth (folio of the Register 122039/1);
 - 382 Ironcliffe Rd, Penguin (folio of the Register 9195/1);
 - Copper King Road, Cuprona (folio of the Register 229072/1);
 - 242 Purtons Road, North Motton (folio of the Register 223870/1);
 - 1456 South Riana Road, Gunns Plains (folio of the Register 240276/1);
 - 818 Preston Road (folio of the Register 11342/1); and Preston Road, North Motton, (folio of the Register 240522/1); and
 - 804 Forth Road, Forth (folio of the Register 170052/2).

328. Reason:

- To apply the Rural Zone in a manner consistent with the purpose of the zone and Guideline No. 1.

Rural Zone – Highland Conservation Trust, various locations

Representation to originally exhibited draft LPS: Highland Conservation Trust (81)

329. The Highland Conservation Trust requested that folios of the Register 139289/2, 126824/1, 198562/1, 205150/1, 165015/1, 198565/1 and 33196/1 be revised from the Agriculture Zone to the Rural Zone and requested that folio of the Register 139052/2 be revised from the Agriculture Zone to be split zoned to be part in the Agriculture Zone and part in the Rural Zone.
330. In the section 35F report the planning authority recommended the zoning for these properties be revised to the Rural Zone.
331. The Highland Conservation Trust did not state the reasons for the request in the representation, but made a more detailed submission during the hearing process.
332. The Highland Conservation Trust submitted that the sites in question were potentially important for research and development and that a Memorandum of Understanding (MoU) to that end is in place with the University of Tasmania. At the hearing, it was noted that Research and Development is a permitted use in the Rural Zone and a discretionary use in the Agriculture Zone.
333. Further expert evidence regarding the agricultural values of the sites was later also submitted (from specialists consultants Macquarie Franklin). This supported the Trust's request for revised zoning but did not describe the methodology supporting its analysis of the sites' agricultural value.
334. As part of obtaining more detailed agricultural land evidence to assist the consideration of a number of representations seeking revision from the Agriculture Zone to the Rural Zone, further agricultural land advice (from AK Consultants) was subsequently provided via the planning authority. This later advice was provided with specific reference to application of the section 8A Guidelines.
335. The recommendation from AK Consultants was that that seven titles be retained in the Agriculture Zone and that a further title, folio of the Register 139052/2, be split zoned with part in the Rural Zone and part in the Agriculture Zone.

Commission consideration

336. The Commission considers that the methodology applied by AK Consulting is consistent with Guideline No 1 and accepts the recommendations for zoning.
337. The Commission notes that the research and development uses are discretionary in the Agriculture Zone and that the applicant can apply to the planning authority for a permit for these uses.
338. Therefore, the Commission considers that no modifications are required apart from providing for split zoning of folio of the Register 139052/2 at Lowana Road, Gunns Plains.

Commission decision

339. Modification:
 - revise the zoning of part of folio of the Register 139052/2, at Lowana Road, Gunns Plains to the Rural Zone, consistent with the map in the Central Coast Council submission of 21 May 2020, (page 161 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020).
340. Reason:
 - To apply the *Rural* Zone consistent with the purpose of the zone and Guideline No. 1.

Rural Zone and Landscape Conservation Zone – Highland Conservation Trust, various locations

Representation to originally exhibited draft LPS: Highland Conservation Trust (81)

341. The Highland Conservation Trust requested that folios of the Register 213496/1, 143262/1, 237836/1, 53698/1, 216223/1, 207177/1 and 139052/1 be revised from the Environmental Management Zone to the Rural Zone and folios of the Register 139289/1 and 249257/1 be split zoned, part in the Landscape Conservation Zone and part in the Rural Zone.
342. In the section 35F report the planning authority recommended the zoning for these properties be revised to the Rural Zone and split zoned to Landscape Conservation Zone as requested.
343. At the hearing, the Highland Conservation Trust submitted that not all the lots referred to required revision as initially requested. However, in general, the Environmental Management Zone is not a suitable zone for private land.
344. In a further submission the Highland Conservation Trust clarified that folios of the Register 143262/1 and 237836/1 were developed with pine plantations and should be in the Rural Zone and that folio of the register 213496/1 is already in the Rural Zone, therefore no revision is required.
345. The Highland Conservation Trust confirmed that Environmental Management was still sought for folios of the Register 53698/1, 216223/1, 207177/1 and 139052/1, in addition to split zoning of the Landscape Conservation Zone and Rural Zone for folios of the Register 249257/1, and 139289/1 but not 53698/1.
346. The Commission also received a submission from the Highland Conservation Trust providing agricultural land advice from Macquarie Franklin in support of the revised zoning sought by the representor.
347. The planning authority provided coordinates for clarifying the boundary of the Landscape Conservation Zone and the Rural Zone for folios of the Register 249257/1 and 139289/1.

Commission consideration

348. One title is already in the Rural Zone (folio of the Register 213496/1).
349. Two of the titles proposed for the Environmental Management Zone (folios of the Register, 143262/1 and 237836/1) are developed with pine plantations and do not have natural values. The Commission agrees these should be revised to the Rural Zone.
350. The split zoning of two titles to be part in the Landscape Conservation and part in the Rural Zone (folios of the Register 249257/1 and 139289/1) acknowledges that they include significant cleared areas.
351. The Commission accepts that the remaining four titles (folios of the Register 53698/1, 216223/1, 207177/1 and 139052/1), although almost entirely covered in native vegetation, should be revised from the Environmental Management Zone to Rural Zone.

Commission decision

352. Modification:
 - revise the zoning of folios of the Register 139289/1 and 249257/1 to the Rural Zone and Landscape *Conservation* Zone consistent with the map provided by the planning authority in its further submission of 21 May 2020, (page 162 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020); and

- revise the zoning of folios of the Register 53698/1, 216223/1, 207177/1 and 139052/1 to the Rural Zone.

353. Reason:

- To apply the *Rural* Zone and Landscape Conservation Zone consistent with the purpose of the zone and Guideline No. 1.

Agriculture Zone, 393 Wilmot Road, Forth

Representation to originally exhibited draft LPS: P and E Needham (47)

354. P and E Needham requested their property be revised from the Environmental Management Zone to the Agriculture Zone.

355. The reasons provided by the representor include:

- the zoning is not appropriate for the property; and
- surrounding properties are zoned Agriculture.

356. In the section 35F report the planning authority recommended the zoning be revised to the Agriculture Zone. The comments included:

- The land *is* privately owned and the zone is not appropriate for a parcel of private land.

Commission consideration

357. The Commission acknowledges that there are limited agricultural values, and also limited landscape conservation values.

358. The characteristics of the land are more consistent with the purpose statements of the Rural Zone than the other two zones.

Commission decision

359. Modification:

- revise *the* zoning of the property at 393 Wilmot Road, Forth (folio of the Register 217370/1) to the Rural Zone.

360. Reason:

- To *apply* the Rural Zone consistent with the purpose of the zone and Guideline No. 1.

Rural Living Zone, Lots 1-5 William Street, Forth

Representation to originally exhibited draft LPS: B R and M A Parsons (30)

361. B R and M A Parsons requested their property be revised from the Rural Zone to the Rural Living Zone A.

362. The reasons include:

- the 5 *lots* are too small for agricultural production and cannot be adhered to neighbouring agricultural land;
- while there is access to water and sewerage, the lots are large enough to accommodate on-site septic systems and stormwater management;
- there will be no meaningful potential impact on agricultural production on an adjoining property;
- other neighbouring land is proposed to be zoned Rural Living.

363. In the section 35F report the planning authority recommended the zoning be revised to the Low Density Residential Zone. The comments included:
- These lots each have an area of approximately 4000m². The land adjoins other areas identified as forming part of the Forth village. Other land in the Forth village is zoned Low Density Residential, with a Forth Specific Area Plan limiting lot sizes in this location to 4000m².
 - Agricultural land to the east is separated from the titles by an unmade parcel of Crown land.
364. At the hearing, the planning authority confirmed that the regional strategy's growth scenario for the Forth area is 'medium' and the settlement management strategy is 'contained' which provides for some limited development expansion. The planning authority submitted that the proposed rezoning constitutes contained development as the lots are historically part of the Forth village.
365. However, the planning authority does not have a structure plan for the Forth area and has no plans to further examine land supply and yield in Forth.
366. The Department of State Growth provided a further submission on 20 December 2019 noting concern with the lack of traffic assessment:
- A number of proposed rezonings have been supported in the Section 35F report, without appropriate consideration of the impacts on the State Road network (for example, representations 25, 29, 30 and 84).

Commission consideration

367. The Commission finds that there is insufficient evidence to support the proposed rezoning, particularly that there is no land supply information or local strategic planning such as a structure plan with reference to the 4.3.1 of the regional strategy.

Commission decision

368. The Commission considers that no modifications are required.

Department of State Growth – zoning of land outside of state road casement and land within the state road casement, various locations

Representation to originally exhibited draft LPS – Department of State Growth

369. The Department of State Growth requested that a number of parcels of land owned by State Growth, be revised from the Utilities Zone to a range of zones as it is surplus to requirements. The land is located in Preservation Drive - Penguin to Sulphur Creek, and Leith - Knights Road, Merinda Drive and Maskells Road.
370. The reasons include:
- The land is not part of the State Road network and is suitable for alternative use and development.
371. In the section 35F report the planning authority recommended the zoning is not modified. The comments include:
- land currently forms part of the Bass Highway roadway; and
 - State Growth should make application for subdivision and rezoning if land is to be zoned to accommodate residential development.

372. A further submission was provided by State Growth on 20 December 2019 which included a request for revision of the Utilities Zone to various zones, for 2 additional properties at Bass Highway/Lester road and Penguin- Bass Highway (parts of folios of the Register 131980/1, 121615/5 and 131615/3).
373. At the hearing, State Growth emphasised that the inability to rezone and dispose of the land imposes significant land management obligations, including leasing, weed management and maintenance. The planning authority was concerned that any rezoning must be to a suitable zone, and General Residential zoned land must be serviced and have road access.
374. State Growth submitted that in most instances the surplus land could be adhered to the adjoining land.
375. State Growth submitted that the land is not part of the State Highway and is not required for road purposes. It considered that revision to the adjoining zoning is for correction of an administrative error and is also consistent with Guideline No.1 – Local Provisions Schedule (LPS): zone and code application. The adjoining land is in the Rural Zone and the Agriculture Zone respectively.
376. At the hearing the planning authority submitted that insufficient information had been provided by State Growth to support the proposed rezoning to General Residential, Rural and Agriculture Zones.
377. After consultation with State Growth, the planning authority confirmed its support for one of the parcels proposed in the original representation to be revised, to the Rural Zone and one title proposed in a further submission dated 20 December 2019, to be revised, to the Agriculture Zone. These titles include:
- Proposed Rural Zone for part of folio of the Register 29463/1; and
 - Proposed Agriculture Zone near Penguin western slip lane (part of folios of the Register 131980/1, 121615/5 and 121615/3).
378. The planning authority provided further clarification regarding the split zoning for the both of the above properties on 21 May 2020 (pages 175 and 176).
379. In a further submission, State Growth identified land that should be in the Utilities Zone:
- Part of 14 Lester Rd, Penguin (CT 38775/1);
 - Ulverstone, Bass Hwy Bridge, River Leven;
 - Turners Beach, Bass Hwy Bridge, River Forth; and
 - Castra Rd/ Bass Hwy, Ulverstone (CT 152581/1) ramp.
380. The planning authority supported the revision of zoning to the Utilities Zone for land associated with road infrastructure in the four locations as described above.

Commission consideration

381. The Commission accepts the planning authority's submission supporting revision of the zoning of folio of the Register 29463/1 and land near the Penguin western slip lane to the Rural Zone and Agriculture Zone respectively, and for the four areas identified as requiring revision to the Utilities Zone.
382. The Commission finds that there is insufficient evidence to revise the zoning of other land at this time.

Commission decision

383. Modification:

- revise the zoning of the northern part of folio of the Register 29463/1 to the Rural Zone, so that the split zone boundary aligns with the yellow line between three coordinate points shown in the Central Coast Council further submission of 21 May 2020 (page 176 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);
- revise the zoning of the northern part of the land near the Penguin western slip lane (the northern part of folios of the Register 131980/1, 121615/5 and 121615/3) to the Agriculture Zone, so that the split zone boundary aligns with the yellow line between 7 coordinate points shown in the Central Coast Council further submission of 21 May 2020 (page 175 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);
- revise the zoning of the northern part of 14 Lester Rd, Penguin (folio of the Register 38775/1) to the Utilities Zone, so that the split zone boundary aligns with the State Road Casement layer published on theLIST, and is consistent with application of the Utilities Zone to the land shown in the Central Coast Council further submission of 21 May 2020 (page 178 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);
- revise the zoning of land at River Leven, Ulverstone containing the Bass Highway Bridge to the Utilities Zone, so that the split zone boundary aligns with the State Road Casement layer consistent with application of the Utilities Zone to the land shown in the Central Coast Council further submission of 21 May 2020 (page 179 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);
- revise the zoning of the land at River Forth, Turners Beach containing the Bass Highway Bridge to the Utilities Zone, so that the split zone boundary is consistent with application of the Utilities Zone to the land shown in the Central Coast Council further submission of 21 May 2020 (page 180 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020) and the State Road Casement layer published on theLIST is contained within the Utilities Zone; and
- revise the zoning of the land containing the ramp from Castra Rd to Bass Highway, Ulverstone (folio of the Register 152581/1) to the Utilities Zone to align with the State Road Casement layer published on theLIST.

384. Reason:

- To apply the Rural Zone, Agriculture Zone and Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Rural Zone – 21 Maskells Road, Ulverstone

Representations to originally exhibited draft LPS: Central Coast Council (98), Department of State Growth (95)

385. The representor (98) requested that land at 21 Maskells Road, Ulverstone (folio of the Register 163345/1) be revised from the Light Industrial Zone to the Rural Zone.

386. In response to the representations to the originally exhibited draft LPS the Commission directed substantial modifications⁶.

⁶ The decision and reasons to substantially modify part of the Central Coast draft LPS made on 6 November 2020 has been published on the Tasmanian Planning Commission website. Recent decisions can be viewed on the Tasmanian Planning Commission website, under the current assessment and hearings listings. Past decisions can be viewed on the Austlii website.

Representations to substantially modified part

387. No representations were received.

388. In response to the Commission's direction following the hearing, the planning authority submitted that it supports the substantially modified part in relation to 21 Maskells Road, Ulverstone.

Commission consideration of substantially modified part

389. As there were no representations, and the planning authority supports the modification, the Commission considers the substantially modified part is appropriate.

Commission decision on substantially modified part

390. The Commission considers that no modifications are required to the substantially modified part.

391. Therefore, modification to the originally exhibited draft LPS is:

- revise the zoning of 21 Maskells Road, Ulverstone (folio of the Register 163345/1) to the Rural Zone.

392. Reason:

- To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – Water Infrastructure, various locations

Representation to originally exhibited draft LPS: TasWater (93)

393. TasWater requested the Utilities Zone be applied to folios of the Register 24319/1, 29631/2, 230848/1, 231848/1, 173676/1 and 14749/2.

394. The reasons include:

- The titles all contain TasWater water storage facilities

395. In the section 35F report the planning authority recommended the zoning be revised to the Utilities Zone. The reasons include:

- TasWater has identified locations that accommodate water storage facilities that have not been zoned Utilities.

Commission consideration

396. The Commission agrees that it is appropriate for water storage infrastructure to be in the Utilities Zone. The Commission notes that the s35F report the reference to folio of the Register 14749/2 is in error and the correct reference is folio of the Register 179288/1.

Commission decision

397. Modification:

- revise the zoning of folios of the Register 24319/1, 29631/2, 230848/1, 231848/1, 173676/1 and 179288/1 to the Utilities Zone.

398. Reason:

- To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – Electricity Infrastructure

Representation to originally exhibited draft LPS: TasNetworks (94)

399. TasNetworks requested folios of the Register 13262/12 and 13262/13 be revised from the Rural Living and General Residential Zones to the Utilities Zone.
400. The reasons include:
- The titles together with folio of the Register 123004/1 comprise the site of the TasNetworks' Ulverstone substation.
401. In the section 35F report the planning authority recommended the zoning be revised to the Utilities Zone. The comments include:
- Zone TasNetworks infrastructure identified as folios of the Register 13262/12 and 13262/13 as Utilities.

Commission consideration

402. The Commission considers that the rezoning is consistent with the purpose of the Utilities Zone.

Commission decision

403. Modification:
- revise the zoning of folios of the Register 13262/12 and 13262/13 to the Utilities Zone.
404. Reason:
- To modify the maps to address a mapping anomaly and to apply the Utility Zone consistent with the purpose of the zone and Guideline No. 1.

Environmental Management Zone, various locations

Representation to originally exhibited draft LPS: Peter Stronach for Friends of Leven and Amarlie Crowden (92)

405. The representors requested a number of Crown land properties be revised from the Rural Zone to the Environmental Management Zone.
406. In the section 35F report the planning authority recommended that proposed Crown reserve land be revised to Environmental Management but where land is nominated or used for forestry, it should remain as Rural.
407. In a further submission, the Friends of Leven provided a table and seven maps showing the areas proposed to be included in the Environmental Management Zone. These areas include the East Leven Corridor with links through to Loyetea Peak, Dial Reserves, and areas around Gawler and Castra, Lienganna, Nietta, Riana, Geales and Blythe.
408. Regarding PID 3385209, land at Nietta/South Preston, the Commission wrote to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to seek its views on the zoning of this title which is listed as Future Potential Production Forest Land (FPPFL). DPIPWE responded that:
- The relevant Planning Guideline for use in preparing Local Provision Schedules advises that FPPFL on reserved land is most appropriately zoned Environmental Management Zone. FPPFL that has no reserve status (such as the parcel in question) is most appropriately zoned Rural Zone.

409. At the direction of the Commission, Mr Stronach provide a written submission with a table confirming the PID or folio of the Register reference for each lot which identifies the proposed LPS zoning and the zoning sought by representation 92, including the reasons that support the zoning being sought with reference to Guideline No.1 LCZ 1-4 and EMZ 1-3.
410. The planning authority supported the Friends of Leven submission that the Crown land identified is more appropriately zoned Environmental Management.
411. At the request of the Commission, DPIPWE provided a response to the representation. DPIPWE submits that Peter Stronach is well qualified in respect to identifying and verifying native flora and fauna values. DPIPWE also submits that the Parks and Wildlife Service (PWS) view is that:
- where land is reserved under the *Nature Conservation Act 2002* or as a public reserve under the Crown Lands Act 1976, the change to Environmental Management Zone is supported;
 - where land is Future Potential Production Forest Land the retention of the Rural Zone is requested. Natural assets (values) should be identified and protected through the application of the Natural Assets Code;
 - where land is unreserved Crown land, then the Natural Assets Code should be applied. Environmental Management Zone (EMZ) may be appropriate where there are high conservation values present; and
 - where the Crown Land Assessment and Classification (CLAC) Project (June 2006) recommendation is to reserve a Crown Land parcel, but this has not occurred, then EMZ can be considered.
412. The DPIPWE submission also noted that the priority vegetation area overlay (part of the Natural Assets Code) is based on the Tasveg 3 layer, which has now been replaced by Tasveg 4. DPIPWE also submitted that the waterway and coastal protection area overlay could be considered where there are significant freshwater values (eg Giant Freshwater Crayfish habitat) and the overlay has not been applied. The DPIPWE submission agrees that the following properties should be rezoned from Rural to Environmental Management:
- three titles at East Leven Corridor (POT PID 2079680) – Environmental Management Zone supported as it was recommended for reservation as part of the CLAC project and has significant conservation values;
 - two titles at East Leven Corridor (POT PID 2079496 and POT PID 2080913) supported as it meets criteria of the Planning Reform Fact Sheet 8. The ecological values include riparian vegetation in an agricultural landscape and habitat for Giant Freshwater Lobster;
 - the whole of the Mount Montgomery Nature Recreation Area in line with the criteria of Planning Reform Fact Sheet 8;
 - POT PID 2083188 supported. It contains intact riparian vegetation and adjoins a Wedge-tailed Eagle nest;
 - POT PID 2081764 at Loongana and Nietta supported as it contains EPBC Act- listed community and a Wedge-tailed eagle nest;
 - PID 6776264 public reserve forming a stepping stone of remnant vegetation within the agricultural landscape, supported as in meets criteria of Planning Reform Fact Sheet 8;
 - POT PID 2080067 along the Blythe River supported as it contains intact native vegetation and meets criteria of Planning Reform Fact Sheet 8; and
 - DPIPWE supported the Leven Canyon Reserve be zoned Environmental Management (on page 21). However, all the Leven Canyon Reserve is proposed to be zoned Environmental Management in the draft LPS.

Commission consideration

413. The Commission considers that Mr Stronach has provided evidence of his qualifications to support submissions seeking the application of the Environmental Management Zone because of the natural values of the lands. It also notes that the DPIPWWE accepts that Mr Stronach is well qualified in this regard. The Commission notes that the planning authority has supported all of the lots proposed by the representor to be rezoned to the Environmental Management Zone and that the Crown has also agreed to a number of these lots to be rezoned.
414. The Commission considers that where the Crown, (via its specialist agency, DPIPWWE, has supported the proposed rezoning, as the owner of the land, that these lots can be rezoned to Environmental Management, due to natural values present.
415. In the absence of advice from the landowner agreement (via DPIPWWE) to other representor proposed rezoning, the Commission is does not consider that it is appropriate to make further zoning changes.
416. The Commission also notes that DPIPWWE has also recommended that the Natural Assets Code priority vegetation overlay and waterway and coastal protection area overlay be applied to a number of the lots. The Commission finds that the draft LPS has already proposed the majority of the lots include the priority vegetation and/or waterway and coastal protection area overlay in full or in part. The application of these overlays will result in consideration of natural values on that land, should issues arise for decision in future.

Commission decision

417. Modification:
- Revise the zoning of the following titles to the Environmental Management Zone:
 - three titles at East Leven Corridor (POT PID 2079680) as shown on page 1 in the further submission from DPIPWWE dated 12 September 2020;
 - two titles at East Leven Corridor (PID 2079496 and PID 2080913) as shown on page 7 in the further submission from DPIPWWE dated 12 September 2020;
 - the whole of the Mount Montgomery Nature Recreation Area as shown on page 12 of the submission from DPIPWWE dated 12 September 2020;
 - PID 2083188 as shown in the map under PWS comment on page 18 of the submission from DPIPWWE dated 12 September 2020;
 - POT PID 2081764 at Loongana and Nietta as shown on page 22 of the submission from DPIPWWE dated 12 September 2020;
 - PID 676264 as shown on page 24 of the submission from DPIPWWE dated 12 September 2020; and
 - POT PID 2080067 as shown on page 25 of the submission from DPIPWWE dated 12 September 2020.
418. Reason:
- To apply the Environmental Management Zone consistent with the purpose of the zone and Guideline No. 1.

Natural Assets Code - application of the Priority Vegetation Overlay, various locations

Representation to originally exhibited draft LPS: Peter Stronach for Friends of Leven (91)

419. Mr Peter Stronach requested the Priority Vegetation Overlay of the Natural Assets Code be applied to a number of Crown land titles across the municipality based on their high conservation value.

420. In the section 35F report the planning authority recommended the areas proposed in the representation be added to the Priority Vegetation Overlay. The comments included:
- Add additional priority vegetation data to the Natural Assets Overlay.
421. At the hearing Mr Stronach highlighted a number of areas which have been omitted from to the priority vegetation overlay, including:
- Map A:
 - Claytons Rivulet areas – which contains a large patch of native bush that form the upper catchment of a whole intact catchment. This area includes a number of threatened species including astacopsis habitat and the freshwater snail.
 - Native vegetation corridor running from Lillico –Devonport
 - Map B:
 - Penguin rookery
 - West Leven Corridor
 - Map C:
 - Loongana Range
 - Leven Canyon and Three Brothers
422. The Commission queried whether some of these areas are already included in the priority vegetation overlay. The planning authority submitted that some of the areas shown by Mr Stronach have part of the title included in the overlay.
423. On 29 January 2020, the Commission directed the planning authority to:
- Provide a submission in consultation with Peter Stronach for the Friends of the Leven Canyon that confirms those areas that are sought to be included in the priority vegetation overlay, noting that at the hearing some areas identified in the original submission appeared to already be subject to the overlay.
424. At the direction of the Commission prior Peter Stronach provide a written submission clarifying the areas recommended for inclusion of the Natural Assets Code including:
- Natural Assets Code - application of Priority Vegetation Overlay
 - (a) a table confirming the PID or CT reference for each lot to which it is requested that the Priority Vegetation Overlay be applied identified in representation 91;
 - (b) evidence of the priority vegetation values for that land, with reference to the SPPs (LP 1.7.5 (c) and (d)) and Guideline No.1 NAC 7-13.

Commission consideration

425. The Commission considers that there has been insufficient evidence provided regarding the natural values. The Crown has not provided evidence regarding their views, as the owner, on the proposed inclusion of the priority vegetation overlay. The Commission considers that if further evidence on the values present can be provided, including the priority vegetation overlay on these properties may be appropriate, as a rezoning once the draft LPS is in place.

Commission decision

426. The Commission considers that no modifications are required.

Parking and Sustainable Transport Code

Representation to originally exhibited draft LPS: Michael Best for Goodstone Group

427. Mr Michael Best requested further information on the car parking strategy for the Central Coast Council.
428. The reasons include:
- It could promote new development without it being prohibitive in terms of car parking, but should also be fair to existing business operators to protect them.
429. In the section 35F report the planning authority recommended that no modification is needed. The comments include:
- The majority of CBD properties do not have the land area to provide on-site care parking and a car parking in-lieu fee is not supported. Currently where car parking spaces cannot be provided an application becomes discretionary; and
 - The proposed Car Parking Precinct Plan seeks to change this outcome so that when a development site is in the Car Parking Precinct Plan the development only becomes discretionary if the developer seeks to increase car parking on site.

Commission consideration

430. The Commission considers that the Car Parking Precinct Plan is appropriate.

Commission decision

431. The Commission considers that no modifications are required.

Scenic Protection Code

Representations to originally exhibited draft LPS: Highland Conservation Trust (90), Susana and Dudley Smith (90a), Glen Hosemans (90b), Rebecca Piper (90c), Romy Greiner (90d), LW and PM Doherty (90e), Faye and Brian Poke (90f), D R Charmers and R Greiner (90g), Ben and Brenda Marshall (90h), Scott Harrison (90i), Stephen Loveless (90j), Gunns Plains Community Centre Association Inc (90k), Robin Duncan (90l)

432. The representors requested the Scenic Protection Code be applied over part or all land identified as the Loyetea Peak – Leven Canyon area for four areas including Area A – Crown/DPIPWE land containing the Leven Canyon Regional Reserve and Loyetea Peak; Area B – the valley of Gunns Plains that is located to the north of Leven Canyon; Area C – area that contains Black Bluff including Mount Tor and Loongana forming part of the Upper Leven River Valley; and Area D – containing undulating rural areas of Nietta and surrounds.
433. The reasons provided by the representors include:
- All four areas proposed are important for the protection of scenic values at a regional level.
 - All four proposed areas provide scenic experiences valued by locals and tourists.
 - Any diminishing of the scenic values would diminish the character of the area.
434. In the section 35F report the planning authority recommended the Scenic Protection Code be applied to Area A in the Highland Conservation Trust representation. The comments include:
- Further assessments and consultations are needed to determine other land that may be subject to C8.0 Scenic Protection Code.
 - Following this, initiate an amendment to the Central Coast LPS based on further investigation.
435. At the direction of the Commission, a submission was provided by the Highland Conservation Pty Ltd and D R Charmers and R Greiner (Representations 90 and 90 (d)) on 27 December 2019 which including a proposed Table C8.1 Scenic Protection Area.

436. On 10 January 2020, the Planning Authority submitted a revision of CCO - Table C8.1 -Scenic Protection Areas that had been submitted by Highland Conservation Trust Pty Ltd and Romy Greiner. The Planning Authority supported the detailed submission made by Representations 90 and 90(b), including a slight expansion of the Scenic Protection Area to include a small, adjoining parcel of land currently set aside for production forestry.
437. In addition to this, the Commission wrote to the DPIPWE on 9 January 2020, seeking their views on the inclusion of the C8.0 Scenic Protection Code over the Leven Canyon Regional Reserve. The Commission received a response from DPIPWE on 20 January 2020 which stated:
- In the context of the Leven Canyon Reserve and the three surrounding properties I am supportive of applying the Scenic Protection Area overlay. These properties have considerable natural and scenic value
438. At the hearing on 22 January 2020, representors submitted that the current level of protection for the scenic values of the Leven Canyon is insufficient and that the scenic values underpin the tourism based industry in the area. The planning authority agreed with the representors. Representors expressed concern that the management objectives proposed by the planning authority in their further submission of 10 January 2020 do not go far enough to protect the scenic values of the area from a major utility structure. It is their preference that a major utility structure is expressly prohibited. The planning authority agreed but stated difficulty in achieving this through the Scenic Protection Code. Representors also agreed with the proposed approach of the planning authority to further investigate the land proposed in representations referred to as Areas B, C and D.
439. On 29 January 2020 the Commission directed the planning authority to provide a submission in consultation with Jason Whitehead of the Highland Conservation Trust that clarifies the drafting of the Management Objectives for the Loyetee Peak – Leven Canyon Scenic Protection Area.
440. At the direction of the Commission the planning authority provided a further submission with revised Management Objectives. The planning authority clarified in its response of 21 May 2020 that it supported the inclusion of draft Table C8.1.

Commission consideration

441. The Commission considers that the representors have provided evidence of the scenic values of the Loyetee Peak – Leven Canyon Scenic Protection Area and the representation is supported by Council. There is insufficient evidence to support the rezoning of Areas B, C and D.

Commission decision

442. Modification:
- Insert a scenic protection area overlay for CCO-C8.1.1 Loyetee Peak – Leven Canyon scenic protection area to apply to the Leven Canyon Regional Reserve and surrounding folios of the Register 135614/1, 140790/1 (PIDs 3384468 and 3384513), and 137421/1.; and
 - In CCO-Table C8.1 Scenic Protection Areas, delete ‘This table is not used in this Local Provisions Schedule’ and insert a reference to Leven Canyon – Loyetee Peak scenic protection area consistent with the table provided in the further submission from the Central Coast Council on 21 May 2020 (page 165 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020).
443. Reason:

- To meet the LPS requirements of the SPPs.

Flood Prone Areas Hazard Code

Representations to originally exhibited draft LPS: Department of Police, Fire and Emergency Services State Emergency Service (SES) (85), Brett Steers and Dianne Hayward-Steers (87), RH and PJ Medwin (88a), Chris Benson (88b), Annette and Eckhard Kalka (89)

444. The SES claimed in their representation that until the updated statewide flood hazard map is delivered, many flood-prone areas will remain unmapped within a LPS Flood-Prone Areas Hazard Overlay. They suggest that in the interim planning authorities should have regard to the best available flood hazard information. Representors 87,88a, 88b and 89 stated that the overlay mapping is incorrect and requested that it be removed or modified on their properties.
445. In the section 35F report the planning authority recommended the revised mapping currently being produced by Entura should form part of an amendment to the Central Coast LPS in 2020-2021. The comments included:
- The draft Central Coast LPS includes flood prone mapping of the Forth River produced by Entura following a study undertaken in 2014.
446. At the direction of the Commission, the SES provided a further submission on 10 January 2020. The further submission clarified that the preferred position of the SES is the use of an overlay for the Forth River below Wilmot River. The SES provided three options for this which include:
- Option 1: 1% AEP flood extent mapping contained in Forth Flood Plan Hydraulic Modelling Report ENTURA-663C8 (2014) and Forth Flood Plan Hydraulic Modelling Report Addendum ENTURA-7608 (2013);
 - Option 2: 1% AEP flood extent mapping contained in the forthcoming updated Forth River flood study being conducted by Entura for Central Coast Council; and
 - Option 3: June 2016 flood extent map produced by the Department of Premier and Cabinet.
447. At the hearing the planning authority clarified that the second option is not an option as the mapping is not yet available. The representors gave evidence that the Entura mapping is inaccurate on their properties and may affect property prices or restrict development. Mr Irvine submitted that no modelling is 100% accurate and that it is the best mapping available at present.
448. On 29 January 2020, the Commission directed the planning authority to provide the 2015 Entura report and a response to the SES further submission dated 10 January 2020.
449. Following the Commission's directions, the planning authority clarified that it supports the SES option No.1 for inclusion of a flood hazard overlay.
450. At the request of the Commission, Mr Ludlow of Entura who was involved with the Entura studies, submitted that the Forth Flood Plan Hydraulic Modelling Report Addendum includes a 1:100 AEP inundation extent map prepared for the Forth River upstream of Forth. This map was only developed to guide flood evacuation planning and was never intended to be used for flood planning (such as managing land use or for design) purposes.
451. Mr Ludlow also noted that:
- Entura has recently completed updated flood modelling for the River Forth between Palooona Dam and Bass Strait on behalf of Central Coast Council. This modelling makes use of improved topographic information from LiDAR survey and

supersedes all previous modelling studies. Subject to Council approval this new modelling would be suitable for land use planning along the River Forth taking into account of the modelling assumptions and limitations. Depending on the type of flood study and the accuracy of available data the modelling and mapping for land use planning and flood evacuation may be similar, but typically modelling for evacuation planning is carried out using conservative estimates of hydraulic parameters and/or for lower probability flood events to try and adequately capture all the population that may need to be evacuated.

452. The Commission sought the views of the representors and the planning authority in response to this. Responses were received from the planning authority and the SES. The planning authority submitted that the updated mapping should be included in the approved LPS by an amendment in the future. The SES submitted that the Central Coast Council should consider adopting the updated flood modelling for the River Forth in the flood study recent completed by Entura. The SES also submitted that the planning authority can make use of the updated modelling through exercising clauses C12.2.3 and C12.2.4 of the Flood Prone Areas Hazard Code for use and development decision making.

Commission consideration

453. The Commission considers that as there is differing evidence and opinion, in the absence of more up to date mapping at this time, taking a precautionary approach in light of the views of the SES and the planning authority is the appropriate course of action. The Flood Prone Areas Hazard overlay as exhibited should be retained in the LPS at this time. The Commission notes that new mapping is available, and expects that the planning authority will initiate a draft amendment in the future to update the overlay with the updated mapping.

Commission decision

454. The Commission considers that no modifications are required.

Coastal Inundation Hazard

Representations to originally exhibited draft LPS: Department of Police, Fire and Emergency Services State Emergency Service (SES) (85), Ross Murphy (86),

455. The SES requests that Table C11.1 Coastal Inundation Hazard Bands AHD Level be revised to include the relevant numbers in accordance with the AHD levels in Appendix 9 of the Coastal Hazards Technical Report published on the Department of Premier and Cabinet (DPAC) website.
456. Mr Ross Murphy requests that the coastal inundation overlay be removed from 36-42 Main Road Penguin.
457. In the section 35F report the planning authority recommended no modifications to the overlay or Table C11.1. The comments include:
- Table C11.1 of the LPS is not required to be completed; and
 - the coastal inundation hazard bands have been produced by the Department of Premier and Cabinet and no supporting evidence has been provided by the Mr Murphy to justify why the coastal inundation bands should be removed from 36-42 Main Road, Penguin.
458. At the direction of the Commission, the SES provided a further submission on 10 January 2020 recommending the inclusion of a coastal inundation hazard bands level AHD listing in the Central Coast LPS either by inserting numbers into CCO-Table C11.1 or via the inclusion of the DPAC Coastal Hazards Technical Report as an incorporated document.

459. At the hearing SES submitted that without the inclusion of the specific heights in the hazard bands table, the Director's Determination – Building Requirements for Coastal Inundation Hazard Area cannot be effectively implemented.
460. Following the Commission's directions, the planning authority clarified that it supports the inclusion of Table C11.1 Coastal Inundation Hazard Bands AHD Level in the Central Coast LPS.
461. On 21 May 2020, the planning authority provided a further submission to the Commission. This submission included a revised copy of CCO-Table C11.1 for inclusion in the draft LPS. The revised table includes the AHD levels published on the DPAC website to assist interpretation and application of the *Building Act 2016*.

Commission consideration

462. The Commission notes the SES's concern that the table is called upon by a Director's Determination under the Building Act 2016. In terms of populating Table C11.1 with data in municipalities where there are no investigation areas, the Commission considers that modifications should be made to insert data into CCO-Table C11.1 in accordance with the AHD levels published on the DPAC website to assist interpretation and application of the *Building Act 2016*.
463. The Commission notes that the AHD levels in the CCO-Table C11.1 submitted by the planning authority on 21 May 2020 contain an error. The AHD levels in the columns for the Low Hazard Band and the Defined Flood Level should be reversed. Therefore, a revised version of the table, consistent with the AHD levels published on the DPAC website, has been prepared by the Commission.

Commission decision

464. Modification:
- In CCO-Table C11.1 Coastal Inundation Hazard Bands AHD Levels, delete 'This table is not used in this Local Provisions Schedule' and insert localities and AHD levels in accordance with those AHD levels published on the DPAC website, as set out in the notice under section 35K(1)(a), included in Attachment A.
465. Reason:
- To assist interpretation and application of a Director's Determination under the *Building Act 2016*.

Specific Area Plans (SAP) – TasNetworks

Representation to originally exhibited draft LPS: TasNetworks (94)

466. TasNetworks requested modifications to some SAP provisions to allow for the permissible consideration of Utilities under the use, development and subdivision standards consistent with the SPP policy approach. The reasons provided by the representor include:
- it is inconsistent with the SPPs which provide for the permissible consideration of Utilities in all zones; and
 - the following SAPs are requested to be modified: S1.0 Forth SAP, S3.0 Penguin SAP, S 4.0 Revell Lane SAP and S 5.0 Turners Beach SAP.
467. In the section 35F report the planning authority recommended no modifications to the SAPs.
468. At the hearing TasNetworks also noted issues with the mapping of the substation, which the planning authority agreed to correct. The planning authority submitted that no modifications are supported to the SAPs.

Commission consideration

469. The Commission notes that under Schedule 6 of the Act, SAPs that transition to a draft LPS may only be altered to a limited extent. It considers that an alteration that provides for Utilities to be Permitted under the use and development and subdivision standards in the SAPs indicated would be beyond the scope of a permitted alteration under section 8C, Schedule 6.

Commission decision

470. The Commission considers that no modifications are required

Other matters

Matters taken not to be a representation to the originally exhibited draft LPS

Representations to the originally exhibited draft LPS: Roger Fenrhys (66), TasNetworks (94)

471. Representors raised matters including:

- the SPPs should include certain provisions or otherwise be revised; and
- the SPPs failed to consider matters or otherwise provided too much or too little discretion.
- In the section 35F report the planning authority made no recommendations on these matters.

Commission consideration

472. The Commission notes that:

- section 35E of the Act sets out the matters not to be taken to be a representation;
- other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
- during its consideration, it has sought to establish how all raised matters relate to the draft LPS and if the matter can be included within the draft LPS under section 32 of the Act.

473. The Commission considers that the parts of representations listed above are outside the considerations under section 35J.

Commission decision

- Under section 35J, the Commission considers that it does not have jurisdiction to assess these matters.

Matters taken not to be a representation to the substantially modified part

Representation to the substantially modified part: Tasmania Fire Service (11)

474. The issues raised by the Tasmania Fire Service were about aspects of the Central Coast draft LPS that are not the substantially modified part. They expressed concern that improvements to the Central Coast Bushfire-Prone Areas overlay made as part of an amendment to the interim planning scheme will not be carried through to the approved LPS.

Commission consideration of substantially modified part

475. The Commission notes that the concerns raised by the Tasmania Fire Service are not a representation to the substantially modified part of the draft LPS and considers it does not have jurisdiction to assess these matters under section 35J.

Matters of a technical nature or relevant to implementation

476. The Commission notes the originally exhibited draft LPS contains matters that are relevant to section 35J(2) of the Act, including:

- minor numbering and typographical errors in the draft LPS;
- instances where the draft LPS, or proposed modifications, do not apply the writing style and conventions set out in Practice Note 5: Tasmanian Planning Scheme drafting conventions or Practice Note 8: Draft LPS written document - technical advice;
- instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets contain overlaps, gaps and errors, or do not apply the technical advice or conventions set out in Practice Note 7 - Draft LPS mapping; technical advice or in Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application;
- instances where the spatial representation of the cadastral parcels dataset have changed after the production of the PDF maps for exhibition that result in minor misalignment between cadastral parcel boundaries and zones or code overlays based on those boundaries;
- instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets apply outside the municipal area; and
- instances where a modification to the draft LPS written document or draft LPS maps and overlays requires a consequent modification to the other.

477. The Commission further notes that Division 1 – Electronic database and documents of Part 6 of the Act, requires the Commission to maintain a database containing an electronic planning map.

Commission consideration of the originally exhibited draft LPS

478. The Commission considers that the draft LPS should:

- minimise numbering and typographical errors and be consistent with the conventions set out in the Commission practice notes;
- contain zone and overlay maps that reflect current cadastral parcel boundaries, and the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark on the LIST, and any areas described by section 35J(2) of the Act; and,
- be free from technical anomalies such as gaps and overlaps and be provided in a form suitable for being made under section 35L of the Act and inclusion in an electronic database.

Commission consideration of substantially modified part

479. The Commission notes the Central Coast draft LPS substantially modified part itself does not contain any matters that are relevant to section 35J(2) of the Act, however there are instances where modifications to include the draft LPS substantially modified parts, with the further modifications to these parts decided by the Commission above, within the originally exhibited draft LPS require a consequent modification to the originally exhibited draft LPS written document and maps.

480. The Commission considers that modifications of a technical nature consequential to inclusion of the Central Coast draft LPS substantially modified parts in the originally exhibited draft LPS, or relevant to the implementation of the LPS if the LPS were approved under section 35L of the Act, should be directed with other technical modifications to the draft LPS in a combined notice under section 35K(1)(a).

Commission decision on originally exhibited draft LPS

481. Modification:

- revise the draft LPS written document to include the technical modifications identified in Annexure A of Attachment 2 to:
 - (a) meet the LPS requirements of the SPPs;
 - (b) correct references to relevant provisions;
 - (c) provide for the effective operation of the provisions; and
 - (d) reflect the terminology used in the SPPs.
- revise the draft LPS zone and overlay maps to:
 - (a) reflect modifications consequential to modifications made to the draft LPS to include the Central Coast draft LPS substantially modified parts;
 - (b) reflect modifications consequential to modifications made to the draft LPS written document, such as insertion of a scenic protection area overlay;
 - (c) reflect modifications consequential to modifications made to the draft LPS zoning map, such as applying zone dependent overlays;
 - (d) align zoning and overlays, based on the cadastral parcels dataset, with the most recent version of the cadastral parcels dataset available from theLIST;
 - (e) fill any unzoned gaps in the zoning layer;
 - (f) remove any overlaps between adjoining zones;
 - (g) apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset;
 - (h) remove any overlaps between features in the same overlay layer that have different categories (excluding for transitioning local area objectives of SAPs and PPZs);
 - (i) aggregate adjoining zone or overlay polygons sharing the same category, such as zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as priority vegetation area;
 - (j) align the boundaries of zones and parcel dependant overlays with parcel boundaries, based on the most recent version of the parcels dataset available from theLIST;
 - (k) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on theLIST, and any areas described by section 35J(2) of the Act; and
 - (l) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

482. Reason:

- To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act and to be consistent with the Minister's declaration under Schedule 6, clauses 8 and 8A(1) of the Act.

Attachments

1. Attachment 1 – List of Representations
2. Attachment 2 – Notice under section 35K(1)(a) to modify draft LPS
3. Attachment 2, Annexure A – Modifications to Central Coast draft LPS written document

List of Representations

Representations to the originally exhibited draft LPS

No.	Name
1	C Taylor
2	J Thompson and A Vojinov
3	Frank Wilson
4	AJ Britz and AA Parks
5	L and P Doherty
6	Penelope Laskey
7	Peter Stronach
8	Leon Peck
9	Helmut Schwabe
10	Laurence Rickards
11	Mark and Trudy Dudding
12	Patricia Ellison for Friends of Reid Street Reserve
13	John Scoles
14	Louise Owen and Owen Pointon
15	EnviroPlan for Tim and Kiely Briggs
16	Craig I Ling
17	PDA Surveyors for BL and SC Howard
18	Adrienne and Mark Heikkinen
19	Brian Tindal
20	Stuart and Carol Steyn
21	Brett and Sue Ferguson
22	Ireneinc for Tony and Julie Gee
23	Tim Johnson
24	Vince De Santis
25	Craig and Wendy Morris
26	RM and GA Kelly
27	Ros and Rob Hill
28	Elizabeth Haygarth
29	Trevor McKenna
30	BR and MA Parsons

- 31 Stephen and Karen Aldridge
- 32 Stephen and Judy Jarman
- 33 Ben Hiscutt
- 34 Stephen and Jenni Daw
- 35 David and Mandy Crawford
- 36 Paul Sprago, Karen Porter, Craig Morris and Helen Wilson
- 37 S and D Evans
- 38 A and S Smith
- 39 George Fanous
- 40 Paul O'Halloran
- 41 Daniel Hosemans
- 42 Ben Fielding
- 43 Larry and Anita Parker
- 44 Peter and Judy Brown
- 45,46 David and Cindy Boddan
- 47 Peter and E Needham
- 48 Colin and Julie Vercoe
- 49 David Johnston
- 50,51 Jamie and Natalie Clarke
- 52 DR Chalmers and R Greiner
- 53 Thomas Peachy
- 54 SM and AA Swain
- 55 Phil and Raeleen Leaver
- 56 RH and PJ Medwin
- 57 Ben Hiscutt
- 58 Ben Hiscutt for Desmond Hiscutt
- 59 Warren Fairbrother
- 60 Rebecca Pearce
- 61 Erika Krumins and Dirk Fuellgrabe
- 62 Robin Jupp
- 63 David and Lisa Ryan
- 64 Jenni McArthur
- 65 Brian Robertson
- 66 Roger Fenrhys
- 67 Barry Smith
- 68 RJ and L Scolyer

- 69 Mehdi Gharib
- 70 Rodney and Susan Duff
- 71 Russell Smith
- 72 Robert Stones
- 73 Greg Stones
- 74 Annette and Eckhard Kalka
- 75 Peter Collenette
- 76 Peter Targett for MJ and TC Rice and NS Mainwaring
- 77 Steven McKeown and Tory Manison
- 78 Mark Dearing
- 79 Dot Bellinger
- 80 Kaye Britton for RJ and KE Britton
- 81 Highland Conservation Trust
- 82 Amarlie Crowden
- 83 Michael Best for Goodstone Group
- 84 6ty Pty Ltd for Lifestyle Caravans
- 85 Andrew Lea for SES
- 86 Ross Murphy
- 87 Brett Steers and Dianne Hayward Steers
- 88 Robert Medwin and Chris Benson
- 89 Annette and Eckhard Kalka
- 90a Highland Conservation Trust Pty Ltd
- 90b Susana and Dudley Smith
- 90c Glen Hosemans
- 90d Rebecca Piper
- 90e Romy Greiner
- 90f LW and PM Doherty
- 90g Faye and Brian Poke
- 90h DR Charmers and R Greiner
- 90i Ben and Brenda Marshall
- 90j Scott Harrison
- 90k Stephen Loveless
- 90l Gunns Plains Community Centre Association Inc.
- 90m Robin Duncan
- 91 Peter Stronach for Friends of the Leven
- 92a Peter Stronach

- 92b Amarlie Crowden
- 93 TasWater
- 94 TasNetworks
- 95 Department of State Growth
- 96 Central Coast Council (Ulverstone Golf Club land)
- 97 Central Coast Council (32 Boyes Street, Turners Beach)
- 98 Central Coast Council (Light Industrial land – 21 Maskells Road, Ulverstone)

Representations to the substantially modified part of draft LPS

- 1 Department of State Growth
- 2 Jen and Theo Oosterloo
- 3 Janelle Little
- 4 LR and SH Ranson
- 5 Peter Murfet
- 6 Kent Townsend
- 7 Rex and Heather Robinson
- 8 Margaret and Stuart Lee
- 9 Nathan Page
- 10 Trevor F McKenna
- 11 Tasmania Fire Service

Land Use Planning and Approvals Act 1993

Notice to modify under section 35K(1)(a)

Central Coast Draft LPS

12 August 2021

The Tasmanian Planning Commission (the Commission) directs that the Central Coast planning authority modify the Central Coast draft Local Provisions Schedule (draft LPS) as follows:

1.0 Code lists

- 1.1 In CCO-Table C8.1 Scenic Protection Areas, delete ‘This table is not used in this Local Provisions Schedule’ and insert a reference for Leven Canyon–Loyetea Peak scenic protection area consistent with the table provided in the further submission from the Central Coast Council on 21 May 2020 (page 165 of Annexure 2, Central coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020), and as set out in Annexure A.

Reason: To meet the LPS requirements of the SPPs.

- 1.2 In CCO-Table C11.1 Coastal Inundation Hazard Bands AHD Levels, delete ‘This table is not used in this Local Provisions Schedule’ and insert localities and numbers in accordance with the AHD levels published on the DPAC website, as set out in Annexure A.

Reason: To assist interpretation and application of a Director’s Determination under the Building Act 2016.

2.0 Zone maps and overlays

No.	Description	Direction and Reason
2.1	2 Hobbs Parade, West Ulverstone	Revise the zoning of 2 Hobbs Parade, West Ulverstone (FR 156432/1) from the Open Space Zone to the General Residential Zone. <i>Reason: To apply the General Residential Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i>
2.2	Various properties at: Wilmot Road, Forth, Wilmot Road, Kindred, and Geales Road, Kindred	Revise the zoning of the following properties to the Landscape Conservation Zone: (a) 605 Wilmot Road, Forth (FR 11199/1), (b) 639 Wilmot Road, Forth (FR 11199/2), (c) 655 Wilmot Road, Forth (FR 11199/3), (d) 663 Wilmot Road, Forth (FR 11199/4),

		<p>(e) That part to the east of Wilmot Road of 740 Wilmot Road, Forth (part FR 244755/1),</p> <p>(f) 1109 Wilmot road, Kindred (FR 31612/1 and 31612/2)</p> <p>(g) That part to the east of Wilmot Road of 1121 Wilmot Road, Kindred (part FR 123230/1),</p> <p>(h) 1139 Wilmot Road, Kindred (FR 123704/3),</p> <p>(i) 1141 Wilmot Road, Kindred (FR 123704/2),</p> <p>(j) 1145 Wilmot Road Kindred (FR 123704/1),</p> <p>(k) That part to the south of Wilmot Road of 1149 Wilmot Road, Kindred (FR 128006/7 and part 128006/8),</p> <p>(l) That part to the south of Wilmot Road of 1159 Wilmot Road, Kindred (part FR 49403/1),</p> <p>(m) 1163 Wilmot Road, Kindred (FR 103635/2)</p> <p>(n) Wilmot Road, Kindred (FR 105295/2)</p> <p>(o) That part to the south of Wilmot Road of FR 128007/17 Wilmot Road, Kindred</p> <p>(p) That part to the south of Wilmot Road of 1201 Wilmot Road, Kindred (part FR 128007/16),</p> <p>(q) that part to the south of Wilmot Road of 1205 Wilmot Road, Kindred - (part FR 128007/15),</p> <p>(r) that part to the south of Wilmot Road of 1209 Wilmot Road, Kindred - (part FR 128007/14),</p> <p>(s) that part to the south of Wilmot Road of 1215 Wilmot Road, Kindred - (part FR 128007/13),</p> <p>(t) those parts to the south of Wilmot Road of 1221 Wilmot Road, Kindred - (parts of folios of the Register 128007/11 and 128007/12),</p> <p>(u) that part to the south of Wilmot Road of 384 Geales Road, Kindred (part FR 128007/9)</p> <p><i>Reason: To apply the Landscape Conservation Zone consistent with the purpose of the zone and LCZ 2 in Guideline No. 1.</i></p>
2.3	<p>Lot 1 Boyes Street, Turners Beach</p> <p>Golf Club Rd, West Ulverstone</p>	<p>Revise the zoning of the following properties from the Environmental Management Zone to the Landscape Conservation Zone:</p>

	299 Raymond Road, Gunns Plains	<p>(a) the part of Lot 1 Boyes Street, Turners Beach (part of FR 179353/1) proposed for Environmental Management zone, as shown in the section 35F report (page 127)</p> <p>(b) Golf Club Rd, West Ulverstone (FR 230089/1 and 224305/1)</p> <p>(c) 299 Raymond Road, Gunns Plains (FR 173320/1)</p> <p><i>Reason: Application of the Landscape Conservation Zone is consistent with the purpose of the zone and LCZ 2 in Guideline No. 1.</i></p>
2.4	Road reserve adjoining Reid Street Reserve, West Ulverstone	<p>Revise the zoning of the unmade part of Hall Street and other unmade parts of road reserve on the perimeter of the Reid Street Reserve to the Landscape Conservation Zone consistent with the revised zone mapping provided in the further submission from Central Coast Council on 6 December 2019.</p> <p><i>Reason: To apply the Landscape Conservation Zone consistent with the Zone Purpose and LCZ 2 in Guideline No. 1.</i></p>
2.5	<p>Various properties at:</p> <p>Loongana Road, Loongana</p> <p>Raymond Road, Gunns Plains</p> <p>Gunns Plains Road, Gunns Plains</p> <p>Bannons Bridge Road, Gunns Plains</p> <p>Loyetea Road, South Riana</p>	<p>Revise the zoning of the following properties to the Landscape Conservation Zone:</p> <p>(a) 1499 Loongana Road, Loongana (folios of the Register 239625/1, 223178/1 and 242592/1);</p> <p>(b) 1519 Loongana Road, Loongana (folio of the Register 218995/1);</p> <p>(c) 220 Raymond Road, Gunns Plains (folio of the Register 173320/1);</p> <p>(d) 130 Raymond Road, Gunns Plains (folio of the Register 243373/1);</p> <p>(e) that part of 835 Gunns Plains Road, (part of folio of the Register 208779/1); consistent with the coordinates and mapped area identified in the Central Coast Council further submission provided on 21 May 2020 (pages 163 and 164 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020)</p> <p>(f) 19A Bannons Bridge Road, Gunns Plains (folio of the Register 103700/1);</p> <p>(g) 22 Bannons Bridge Road, Gunns Plains (folio of the Register 234477/1);</p>

		<p>(h) 250 Loyetee Road, South Riana (folio of the Register 107458/1); and</p> <p>(i) 319 Raymond Road, Gunns Plains (folio of the Register 250768/1)</p> <p><i>Reason: To apply the Landscape Conservation Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.6	80 Deviation Road, Penguin	<p>(a) Revise the zoning of folio of the Register 121621/1 to the Low Density Residential Zone; and</p> <p>(b) Apply the Priority Vegetation Area overlay to 80 Deviation Road, Penguin (folio of the Register 121621/1) in accordance with the area of the overlay shown on Map sheet 4 in Appendix 2 of the Central Coast draft LPS Supporting Report, February 2019.</p> <p><i>Reason:</i></p> <ul style="list-style-type: none"> • <i>To apply the Low Density Residential Zone consistent with the purpose of the zone and Guideline No. 1.</i> • <i>To apply the priority vegetation area overlay consistent with Guideline No. 1.</i>
2.7	21 Blue Wren Lane, West Ulverstone	<p>(a) Revise the zoning of 21 Blue Wren Lane, West Ulverstone to the Rural Living Zone A; and</p> <p>(b) Revise the annotation on the zone map to reflect the revised zoning of 21 Blue Wren Lane, West Ulverstone above.</p> <p><i>Reason: To apply the Rural Living Zone A in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.8	110 Ironcliffe Road, Penguin	<p>(a) Revise the zoning of 110 Ironcliffe Road, Penguin to the Rural Living Zone A; and</p> <p>(b) Revise the annotation on the zone map to reflect the revised zoning of 110 Ironcliffe Road, Penguin above.</p> <p><i>Reason: To apply the Rural Living Zone A in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.9	Von Bibras Road, Ulverstone	<p>Revise the zoning of Von Bibras Road, Ulverstone (folio of the Register 241644/1) to the Rural Zone</p> <p><i>Reason: To apply the Rural Zone in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.10	43 Medici Drive, Gawler	<p>(a) Revise the zoning of 43 Medici Drive, Gawler (folio of the Register 133805/3) to the Rural Living Zone A; and</p>

		<p>(b) Revise the annotation on the zone map to reflect the revised zoning of 43 Medici Drive, Gawler above.</p> <p><i>Reason: To apply the Rural Living Zone A in a manner consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.11	76 Reynolds Road, Heybridge	<p>(a) Revise the zoning of 76 Reynolds Road, Heybridge folio of the Register 174599/1 to Rural Living Zone B; and.</p> <p>(b) Revise the annotation on the zone map to reflect the revised zoning of 76 Reynolds Road, Heybridge above.</p> <p><i>Reason: To apply the Rural Living Zone B consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.12	172 Main Street, Ulverstone	<p>Revise the zoning of 172 Main Street, Ulverstone (folio of the Register 152582/1) to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.13	Wilmot Road, Forth	<p>Revise the zoning of the land at Wilmot Road, Forth (folio of the register 116188/1) to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.14	<p>Rural Zone various locations</p> <p>Penguin</p> <p>Ulverstone</p> <p>North Motton</p> <p>Preston</p> <p>Gunns Plains</p> <p>Forth</p> <p>Cuprona</p>	<p>Revise the zoning of the following land to the Rural Zone:</p> <p>(a) 164 Hardys Rd, Penguin (folio of the Register 119768/2);</p> <p>(b) Von Bibras Rd, Ulverstone (folio of the Register 241644/1);</p> <p>(c) 180 Harveys Rd, North Motton (folio of the Register 165516/2);</p> <p>(d) 463 Ironcliffe Rd, Penguin (folio of the Register 239920/2);</p> <p>(e) 511 Ironcliffe Rd, Penguin (folio of the Register 229363/1);</p> <p>(f) 32 Deviation Rd and 28 Warren Drive, Penguin (folios of the Register 21490/1 and 132284/1);</p> <p>(g) 121 Cullens Rd, Preston (folios of the Register 229509/1 and 210598/1);</p> <p>(h) 461 Ironcliffe Rd (folio of the Register 26287/1);</p> <p>(i) 1329 Gunns Plains Rd, Gunns Plains (folio of the Register 221040/1);</p> <p>(j) 90 Browns Lane, Penguin (folio of the Register 88561/1);</p> <p>(k) 78 Reynold Rd (folio of the Register 141955/1);</p> <p>(l) 184 Wilmot Rd, Forth (folio of the Register 122039/1);</p>

		<p>(m) 382 Ironcliffe Rd, Penguin (folio of the Register 9195/1);</p> <p>(n) Copper King Road, Cuprona (folio of the Register 229072/1);</p> <p>(o) 242 Purtons Road, North Motton (folio of the Register 223870/1);</p> <p>(p) 1456 South Riana Road, Gunns Plains (folio of the Register 240276/1);</p> <p>(q) 818 Preston Road (folio of the Register 11342/1); and Preston Road, North Motton, (folio of the Register 240522/1); and</p> <p>(r) 804 Forth Road, Forth (folio of the Register 170052/2).</p>
2.15	Lowana Road, Gunns Plains	<p>Revise the zoning of part of folio of the Register 139052/2, at Lowana Rd, Gunns Plains to the Rural Zone, consistent with the map in the Central Coast Council submission of 21 May 2020, (page 161 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020).</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.16	1680 Gunns Plains Road, Gunns Plains	<p>Revise the zoning of folios of the Register 139289/1 and 249257/1 to the Rural Zone and Landscape Conservation Zone consistent with the map provided by the planning authority in its further submission of 21 May 2020, (page 162 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020).</p> <p><i>Reason: To apply the Rural Zone and Landscape Conservation Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.17	Lowana Road, Gunns Plains Blooms Road, Gunns Plains	<p>Revise the zoning of folios of the Register 53698/1, 216223/1, 207177/1 and 139052/1 to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.18	393 Wilmot Road, Forth	<p>Revise the zoning of folio of 393 Wilmot Road, Forth (folio of the Register 217370/1) to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.19	21 Maskells Road, Ulverstone	<p>Revise the zoning of 21 Maskells Road, Ulverstone (folio of the Register 163345/1) to the Rural Zone.</p> <p><i>Reason: To apply the Rural Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>

2.20	640 Forth Road, Forth	<p>(a) Revise the zoning of 640 Forth Road, Forth (folio of the Register 252652/1) to Low Density Residential; and</p> <p>(b) Revise the overlay map to apply CCO-S1.0 Forth Specific Area Plan to 640 Forth Road, Forth (folio of the Register 252652/1).</p> <p><i>Reason: To include relevant modifications under section 35KA of the Act in relation to the approved amendment PSA2020004 to the Central Coast Interim Planning Scheme 2013.</i></p>
2.21	1, 10 and 10a Alice Street, West Ulverstone	<p>Revise the zoning of 1, 10 and 10a Alice Street, West Ulverstone (folios of the Register 83570/4, 73556/3, and 62342/3) to the Local Business Zone.</p> <p><i>Reason: To include relevant modifications under section 35KA of the Act in relation to the approved amendment PSA2020003 to the Central Coast Interim Planning Scheme 2013.</i></p>
2.22	Environmental Management Zoning of Crown Land	<p>Revise the zoning of the following properties to Environmental Management:</p> <p>(a) three titles at East Leven Corridor (POT PID 2079680) as shown on page 1 in the further submission from DPIPWE dated 12 September 2020;</p> <p>(b) two titles at East Leven Corridor (PID 2079496 and PID 2080913) as shown on page 7 in the further submission from DPIPWE dated 12 September 2020;</p> <p>(c) the whole of the Mount Montgomery Nature Recreation Area as shown on page 12 of the submission from DPIPWE dated 12 September 2020;</p> <p>(d) PID 2083188 as shown in the map under PWS comment on page 18 of the submission from DPIPWE dated 12 September 2020;</p> <p>(e) POT PID 2081764 at Loongana and Nietta as shown on page 22 of the submission from DPIPWE dated 12 September 2020;</p> <p>(f) PID 676264 as shown on page 24 of the submission from DPIPWE dated 12 September 2020; and</p> <p>(g) POT PID 2080067 as shown on page 25 of the submission from DPIPWE dated 12 September 2020.</p> <p><i>Reason: To apply the Environmental Management Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>

2.23	Zoning of Electricity Infrastructure	<p>Revise the zoning of folios of the Register 13262/12 and 13262/13 to the Utilities Zone.</p> <p><i>Reason: To modify the maps to address a mapping anomaly and to apply the Utility Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.24	Zoning of Water Infrastructure	<p>Revise the zoning of folios of the Register 24319/1, 29631/2, 230848/1, 231848/1, 173676/1, and 179288/1 to the Utilities Zone.</p> <p><i>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.25	Zoning of State Roads	<p>(a) Revise the zoning of the northern part of folio of the Register 29463/1 to the Rural Zone, so that the split zone boundary aligns with the yellow line between 3 coordinate points shown in the Central Coast Council further submission of 21 May 2020 (page 176 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);</p> <p>(b) Revise the zoning of the northern part of the land near the Penguin western slip lane (the northern part of folios of the Register 131980/1, 121615/5 and 121615/3) to the Agriculture Zone, so that the split zone boundary aligns with the yellow line between 7 coordinate points shown in the Central Coast Council further submission of 21 May 2020 (page 175 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);</p> <p>(c) Revise the zoning of the northern part of 14 Lester Rd, Penguin (folio of the Register 38775/1) to the Utilities Zone, so that the split zone boundary aligns with the State Road Casement layer published on theLIST, and is consistent with application of the Utilities Zone to the land shown in the Central Coast Council further submission of 21 May 2020 (page 178 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);</p> <p>(d) Revise the zoning of land at River Leven, Ulverstone containing the Bass Highway Bridge to the Utilities Zone, so that the split zone boundary aligns with the State Road Casement layer consistent with application of the Utilities Zone to the land shown in</p>

		<p>the Central Coast Council further submission of 21 May 2020 (page 179 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020);</p> <p>(e) Revise the zoning of the land at River Forth, Turners Beach containing the Bass Highway Bridge to the Utilities Zone, so that the split zone boundary is consistent with application of the Utilities Zone to the land shown in the Central Coast Council further submission of 21 May 2020 (page 180 of Annexure 2, Central Coast Planning Authority submissions to Tasmanian Planning Commission directions of 29 January 2020) and the State Road Casement layer published on theLIST is contained within the Utilities Zone; and</p> <p>(f) Revise the zoning of the land containing the ramp from Castra Rd to Bass Highway, Ulverstone (folio of the Register 152581/1) to the Utilities Zone to align with the State Road Casement layer published on theLIST.</p> <p><i>Reason: To apply the Rural Zone, Agriculture Zone and Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</i></p>
2.26	Scenic Protection Area overlay	<p>Insert a scenic protection area overlay for CCO-C8.1.1 Loyetea Peak – Leven Canyon scenic protection area to apply to the Leven Canyon Regional Reserve and surrounding folios of the Register 135614/1, 140790/1 (PIDs 3384468 and 3384513), and 137421/1.</p> <p><i>Reason: To meet the LPS requirements of the SPPs.</i></p>
2.27	Bushfire-Prone Areas overlay	<p>Revise application of the Bushfire-Prone Areas overlay to be consistent with the approved amendment PSA2020002 to the Central Coast Interim Planning Scheme 2015.</p> <p><i>Reason: To include relevant modifications under section 35KA of the Act in relation to the approved amendment PSA2020002 to the Central Coast Interim Planning Scheme 2013.</i></p>

3.0 Consequential and technical issues

- 3.1 Revise the draft LPS written document to include the technical modifications identified in Annexure A, to:
- (a) meet the LPS requirements of the SPPs;
 - (b) correct references to relevant provisions;

- (c) provide for the effective operation of the provisions; and
- (d) reflect the terminology used in the SPPs; and

3.2 Revise the draft LPS zone and overlay maps to:

- (a) reflect modifications consequential to modifications made to the draft LPS to include the Central Coast draft LPS substantially modified parts;
- (b) reflect modifications consequential to modifications made to the draft LPS written document, such as insertion of a scenic protection area overlay;
- (c) reflect modifications consequential to modifications made to the draft LPS zoning map, such as applying zone dependent overlays;
- (d) align zoning and overlays, based on the cadastral parcels dataset, with the most recent version of the cadastral parcels dataset available from theLIST;
- (e) fill any unzoned gaps in the zoning layer;
- (f) remove any overlaps between adjoining zones;
- (g) apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset;
- (h) remove any overlaps between features in the same overlay layer that have different categories (excluding for transitioning local area objectives of SAPs and PPZs);
- (i) aggregate adjoining zone or overlay polygons sharing the same category, such as zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as priority vegetation area;
- (j) align the boundaries of zones and parcel dependant overlays with parcel boundaries, based on the most recent version of the parcels dataset available from theLIST;
- (k) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on theLIST, and any areas described by section 35J(2) of the Act; and
- (l) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

Reason:

To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act and to be consistent with the Minister's declaration under Schedule 6, clauses 8 and 8A(1) of the Act.

Annexure A

Modifications to Central Coast draft LPS written document

Central Coast Local Provisions Schedule

CCO-Local Provisions Schedule Title

CCO-1.1 This Local Provisions Schedule is called the Central Coast Local Provisions Schedule and comprises all the land within the municipal area.

CCO Effective Date

CCO-1.2 The effective date for this Local Provisions Schedule is XXXXXX

CCO-Local Area Objectives

This clause is not used in this Local Provisions Schedule.

CCO-Particular Purpose Zones

There are no particular purpose zones in this Local Provisions Schedule.

CCO-S1.0 Forth Specific Area Plan

CCO-S1.1 Plan Purpose

The purpose of the Forth Specific Area Plan is:

CCO-S1.1.1 To provide a framework to guide the future use and development of the Forth Village and protect the character and amenity of the Forth Village.

CCO-S1.2 Application of this Plan

CCO-S1.2.1 The specific area plan applies to the area of land designated as Forth Specific Area Plan on the overlay maps.

CCO-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of the Low Density Residential Zone, as specified in the relevant provision.

CCO-S1.3 Local Area Objectives

CCO-S1.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
CCO-S1.3.1.1	Forth Specific Area Plan shown on overlay map as CCO-S1.3.1.1.	Use and development is to: (a) be designed and located so that it is compatible with the established character and amenity of the Village; (b) be in accordance with the availability and capacity of Utilities; (c) be contained within a compact urban form without expansion on the boundaries of the established settlement area. (d) retain and respect the atmosphere of Forth as a compact village embedded within the picturesque setting of the rural Forth River Valley; and (e) retain and respect the visual characteristics and features of an earlier period of settlement, including: (i) an internal network of narrow laneways; and (ii) architectural detailing in the form and finish of buildings.

CCO-S1.4 Definition of Terms

CCO-S1.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
forth subdivision area A	means an area shown on an overlay map as Forth subdivision area A.
forth subdivision area B	means an area shown on an overlay map as Forth subdivision area B.

CCO-S1.5 Use Table

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If for conservation, rehabilitation or protection against degradation, but must not include a building or external activity area for information, interpretation, or display of items or for any other use.
Passive Recreation	If for a public park or reserve for the local community.
Permitted	
Residential	If for: <ul style="list-style-type: none"> (a) a home based business; (b) a secondary residence; (c) a boarding house in which rooms are wholly or partly let in lodgings as a principal place of residence; (d) multiple dwellings, each in a separate dwelling; (e) a single dwelling.
Resource Development	If a community garden for production or ornamental purposes to service the local community and not involve the keeping of animals.
Utilities	If for minor utilities.
Visitor Accommodation	
Discretionary	
Educational and Occasional Care	If for: <ul style="list-style-type: none"> (a) all day, before or after school child, occasional or out of school hours care; (b) a pre-school; or (c) a primary school.
Emergency Services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration.

Use Class	Qualification
Natural and Cultural Values Management	If not listed as No Permit Required.
Passive Recreation	If not listed as No Permit Required.
Prohibited	
All other uses	

CCO-S1.6 Use Standards

This sub-clause is not used in this specific area plan.

CCO-S1.7 Development Standards for Buildings and Works

CCO-S1.7.1 Design and location of development

This clause is in substitution for Low Density Residential Zone – clauses 10.4.2 Building height and 10.5.1 Non-dwelling development A1 and P1 and in addition to Low Density Residential Zone – clauses 10.4 Development Standards for Dwellings and 10.5 Development Standards for Non-dwellings.

Objective:	The design and location of new development is compatible with the attributes and features contributing to the local character of Forth.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>An addition to a building must be:</p> <p>(a) located to the rear of the existing building; and</p> <p>(b) not more than the building height of the existing building.</p>	<p>P1</p> <p>The design and location of a building must maintain the local character attributes and features of existing development in terms of:</p> <p>(a) the integrity of the fabric and structure of the building, place or area;</p> <p>(b) the setback, scale, and height of the building elements relative to existing development on the site and on adjacent land;</p> <p>(c) vegetation and other improvement on the site or on adjacent land;</p> <p>(d) local building, place or area, including:</p> <p>(i) roof form and pitch;</p> <p>(ii) fenestration;</p> <p>(iii) method and technique of construction;</p> <p>(iv) external fabric, materials and finish;</p> <p>(v) colour scheme;</p> <p>(vi) alterations and additions;</p> <p>(vii) addition;</p> <p>(viii) garden design, planting and any structure; and</p> <p>(ix) fencing.</p>	

<p>A2</p> <p>Building height must be not more than 5.5m.</p>	<p>P2</p> <p>Building height must maintain the local character attributes and features of existing development in terms of:</p> <ul style="list-style-type: none"> (a) the integrity of the fabric and structure of the building, place or area; (b) the setback, scale, and height of the building relative to existing development on the site and on adjacent land; (c) vegetation and other improvement on the site or on adjacent land; (d) separation of buildings and external activity areas from a frontage; (e) local building, place or area, including: <ul style="list-style-type: none"> (i) roof form and pitch; (ii) fenestration; (iii) methods and techniques of construction; (iv) external fabric, materials and finish; (v) colour scheme; (vi) additions; (vii) any outbuilding; (viii) garden design, planting and structures; and (ix) fencing.
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CCO-S1.8 Development Standards for Subdivision

CCO-S1.8.1 Lot design

This clause is in substitution for Low Density Residential Zone – clauses 10.6.1 Lot design A1 and P1.

<p>Objective:</p>	<p>That each lot is:</p> <ul style="list-style-type: none"> (a) connected to utilities for sewerage and stormwater or contains a minimum area for the safe disposal of waste water; and (b) large enough to conserve the appearance and character of Forth.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or lot proposed in a plan of subdivision must</p> <ul style="list-style-type: none"> (a) have an area of not less than: <ul style="list-style-type: none"> (i) 4,000m² in Forth subdivision area A; or (ii) 2,000m² in Forth subdivision area B; and (iii) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 10.4.3 A1 and A2; and 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) adequate provision of private open space; (e) the pattern of development existing on established properties in the area; and

<p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(iv) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; or</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(f) any constraints to development, and must have an area not less than 4,000m² in Forth subdivision area A, or 2,000m² in Forth subdivision area B.</p>
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CCO-S2.0 Leith Specific Area Plan

CCO-S2.1 Plan Purpose

The purpose of the Leith Specific Area Plan is:

CCO-S2.1.1 To provide for a subdivision density for Leith consistent with existing spatial character.

CCO-S2.1.2 To maintain the quality of the land, air and water resources of Leith.

CCO-S2.2 Application of this Plan

CCO-S2.2.1 This specific area plan applies to the area of land designated as Leith Specific Area Plan on the overlay maps.

CCO-S2.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution to, the provisions of the Low Density Residential Zone, as specified in the relevant provision.

CCO-S2.3 Local Area Objectives

CCO-S2.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
CCO-S2.3.1.1	Leith Specific Area Plan shown on an overlay map as CCO-S2.3.1.1.	The local are objectives of the Leith Specific Area Plan are to: (a) protect and conserve the existing spatial characteristics and dwelling densities of Leith; and (b) provide for development that is able to be serviced without an adverse impact on the land, air and water resources of Leith.

CCO-S2.4 Definition of Terms

This sub-clause is not used in this specific area plan.

CCO-S2.5 Use Table

This sub-clause is not used in this specific area plan.

CCO-S2.6 Use Standards

This sub-clause is not used in this specific area plan.

CCO-S2.7 Development Standards for Buildings and Works

This sub-clause is not used in this specific area plan.

CCO-S2.8 Development Standards for Subdivision

CCO-S2.8.1 Lot design

This clause is in substitution for Low Density Residential Zone – clause 10.6.1 Lot design A1 and P1, and clause 10.6.3 Services A2, A3 and P2, P3.

Objective:	<p>That each lot:</p> <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in Leith; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for residential development; and (d) can accommodate on-site drainage and waste water and stormwater disposal without adversely impacting adjoining land.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 4000m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 10.4.3 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) adequate provision of private open space; (e) the pattern of development existing on established properties in the area; (f) the capability of accommodating on-site waste water treatment systems and on-site stormwater management systems; (g) cumulative impacts of on-site waste water and stormwater disposal on the land, air and water resources of the Leith Specific Area Plan; (h) any constraints to development; (i) the local area objectives in this Specific Area Plan, <p>and must have an area not less than 2500m².</p>

CCO-S2.9 Tables

This sub-clause is not used in this specific area plan.

CCO–S3.0 Penguin Specific Area Plan

CCO-S3.1 Plan Purpose

The purpose of the Penguin Specific Area Plan is:

CCO-S3.1.1 To conserve and complement the historical and cultural attributes that contribute to the coastal village character of the coastal settlement at Penguin without replicating existing built form.

CCO-S3.1.2 To strengthen attraction and quality of the town of Penguin as a place to live, work and visit by fostering a vibrant and active town centre.

CCO-S32.1.3 To promote increased density residential development compatible with the coastal village character.

CCO-S32.1.4 To encourage building design and landscape improvements that are sympathetic to the coastal landscape, complement existing buildings, and protect important vistas to the foreshore and rural hinterland.

CCO-S32.1.5 To provide consistency in treatment and presentation of buildings and public spaces to create an active street frontage and a high standard of aesthetic and functional amenity by requiring building design that allow visual and physical connection between adjacent buildings and the coastal and rural setting in which the coastal village is located.

CCO-S32.1.6 To provide a high level of pedestrian, cycling and vehicular movement and connectivity within the town of Penguin.

CCO-S3.2 Application of this Plan

CCO-S3.2.1 This specific area plan applies to the area of land designated as Penguin Specific Area Plan on the overlay maps.

CCO-S3.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of the:

- (a) Local Business Zone;
- (b) Parking and Sustainable Transport Code, as specified in the relevant provision.

CCO-S3.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

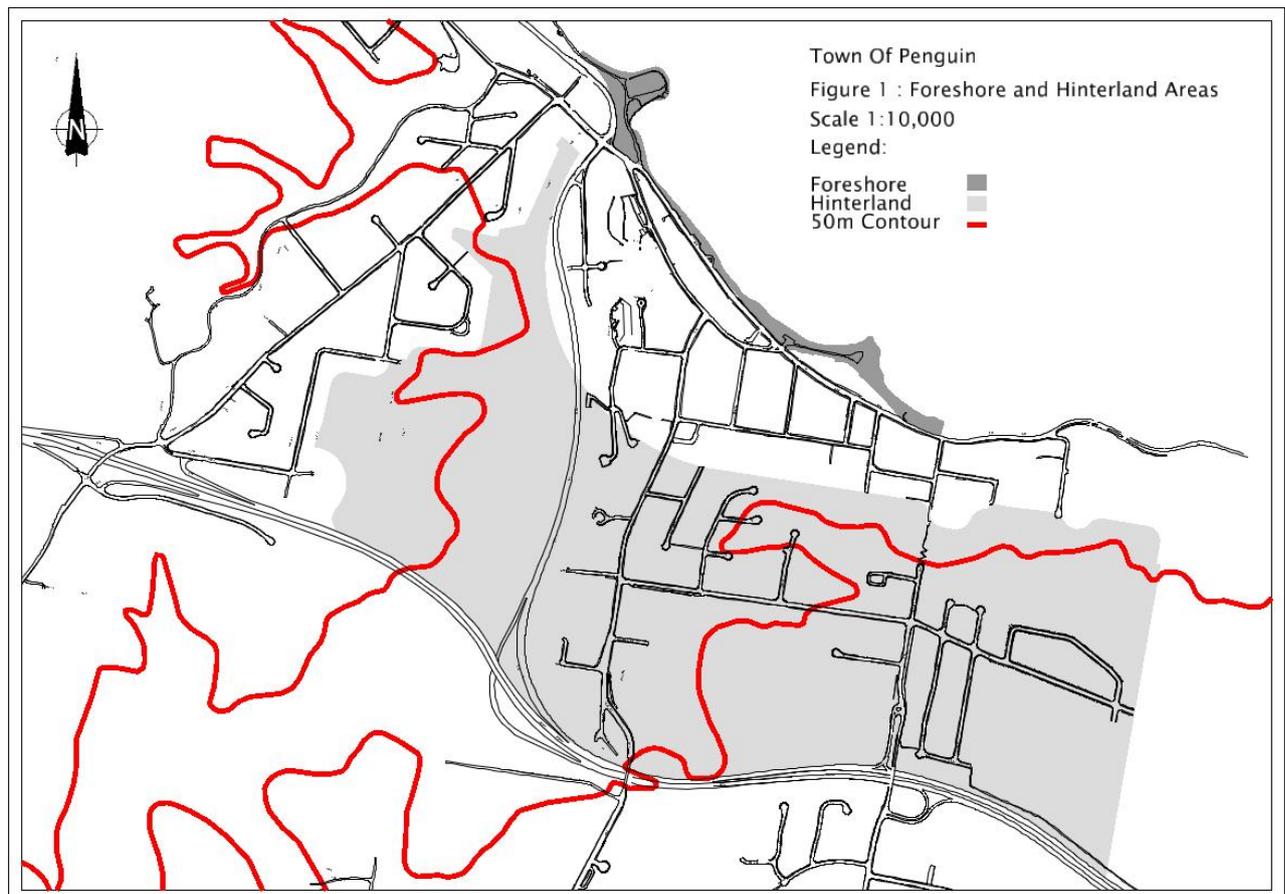
CCO-S3.4 Definition of Terms

CCO-S3.4.1 In this specific area plan, unless the contrary intention appears:

Terms	Definitions
active street frontage	means a frontage that promotes an interesting and safe pedestrian environment in combination with non-residential uses such as retail, restaurants and cafés if accessible directly from the street.
building rhythm	<p>means the streetscape that is created by variation in the scale, height and separation between adjoining buildings and which enables visual linkages from a street to the hinterland or the sea, as illustrated by Figure CCO-S3.1.</p> <div data-bbox="475 568 1177 936" data-label="Image"> </div> <p>Figure CCO-S3.1 Showing building rhythm.</p>
coastal village character	<p>means the visual and special characteristics, building rhythm, heritage buildings, and open space areas along the foreshore that provide a sense of identifiable place and an important coastal outlook.</p> <p>More specifically the coast village character of Penguin is defined by the interdependent relationship of physical and special elements including:</p> <ul style="list-style-type: none"> (a) the topography of Penguin in combination with the scale and massing of buildings enable retention of visual linkages from ground level between the village centre and those areas of the coastal and rural setting shown on Figure CCO-S3.2; (b) a predominance of one and two storey buildings enable the village centre to remain of a scale that does not dominate the physical landscape when viewed from above at the 50m contour level; (c) a predominance of buildings within the village centre that maintain a separation along the side boundary from immediately adjoining buildings to enable visual linkages through the building mass to the coastal or rural setting; (d) the presence of a rail way line that compels and reinforces the separation of buildings and creates a linear corridor that dissects the village centre; (e) a contrast between the location of buildings onto the frontage within the village centre and the typical set back of buildings from the frontage within the immediately adjacent residential area; (f) building facades within the village centre typically emphasise vertical over horizontal elements;

Terms	Definitions
	(g) buildings within the village centre typically provide direct pedestrian and visual access between the frontage and the interior by the placement of doors and windows within the frontage elevation; (h) retention of a buildings with a variety of architectural styles from earlier periods of development, and a notable prominence of buildings from the Victorian period; (i) a constrained use of advertising and promotion signs, with signage typically affixed to walls and windows and absent pylon and projecting sign structures; (j) location of car parking and service vehicles facilities to the rear of buildings; and (k) a network of linked pedestrian pathways servicing the foreshore, commercial and residential areas of the village.
continuous wall	means any wall with staggered setbacks or projections less than 2m deep.
foreshore	means the area depicted as such on Figure CCO-S3.2.
hinterland	means the area depicted as such on Figure CCO-S3.2.

Figure CCO-S3.2 Areas of foreshore and hinterland



CCO-S3.5 Use Table

This sub-clause is not used in this specific area plan.

CCO-S3.6 Use Standards

This sub-clause is not used in this specific area plan.

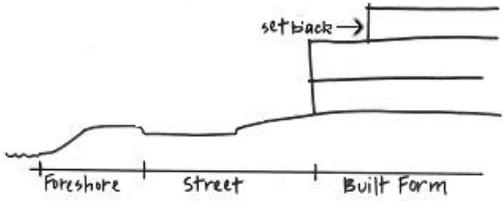
CCO-S3.7 Development Standards for Buildings and Works

CCO-S3.7.1 Building design

This clause is in substitution for Local Business Zone – clause 14.4.1 Building height and in addition to Local Business Zone – clause 14.4 Development Standards for Buildings and Works.

Objective:	Buildings must: (a) protect and maintain the human scale of buildings within the Penguin Specific Area Plan; and (b) be in keeping with the coastal village character.
Acceptable Solutions	
A1 Building height must be not more than 8m.	P1 Building height must: (a) be compatible with the coastal village character; (b) reflect the existing building rhythm within the town of Penguin; and (c) be not more than 10m.
A2 A continuous wall of a building must be not more than: (a) 16m, measured parallel to the frontage or rear boundary; and (b) 20m, measured parallel to the applicable side boundary.	P2 The continuous wall of a building must: (a) be compatible with the coastal village character; and (b) reflect the existing building rhythm within the town of Penguin.

This clause is in substitution for Local Business Zone – Clause 14.4.2 Setback A1, A2 and P1, P2.

Objective:	<p>The location and configuration of a building must:</p> <ul style="list-style-type: none"> (a) protect and maintain the amenity of land and views of the foreshore and the hinterland within the Penguin Specific Area Plan; and (b) be in keeping with the coastal village character.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A building must:</p> <ul style="list-style-type: none"> (a) be located onto the primary and secondary frontage if the wall height is not more than 6.0m; (b) for that part of the building with a wall height of not more than 6.0m: <ul style="list-style-type: none"> (i) onto one side boundary; and (ii) not less than 2.0m or half the wall height on the other side boundary, whichever is the greater; and (c) for that part of the building with a wall height of more than 6.0m, not less than half the wall height from all boundaries, as illustrated by figure CCO-S3.3.  <p>Figure CCO-S3.3 Showing setback of a wall height more than 6m.</p>	<p>P1</p> <p>The setback of a building:</p> <ul style="list-style-type: none"> (a) must provide within the frontage for that part of a building with a wall height of not more than 6.0m: <ul style="list-style-type: none"> (i) a courtyard, garden or outdoor dining area between a building and the frontage; and (ii) the courtyard, garden or outdoor dining area is in keeping with the coastal village character; or (b) for that part of a building with a wall height of not more than 6.0m, the side boundary setbacks must: <ul style="list-style-type: none"> (i) be compatible with the coastal village character; (ii) not cause unreasonable over shadowing or loss of privacy to adjoining sites; (iii) reflect the existing building rhythm of Penguin; (iv) maintain views between buildings to the foreshore; and (v) maintain views from the foreshore and Main Road to the hinterland. (c) for that part of a building with a wall height of more than 6.0m, the setback from all boundaries must: <ul style="list-style-type: none"> (i) be compatible with the coastal village character; (ii) not cause unreasonable over-shadowing or loss of privacy to adjoining sites; and (iii) reflect the existing building rhythm of Penguin, as illustrated by figure CCO-S3.4;

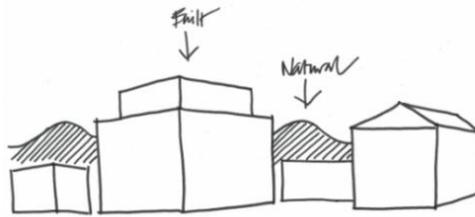


Figure CCO-S3.4 Building rhythm with alternating built and natural views.

- (iv) maintain views between buildings to the foreshore, as illustrated by figure CCO-S3.5; and

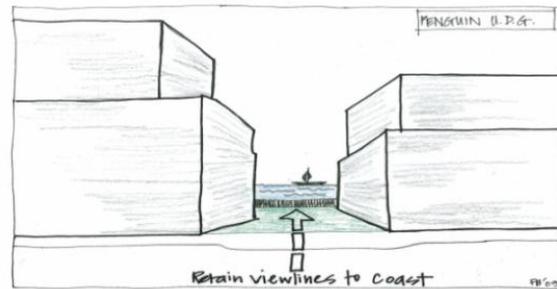


Figure CCO-S3.5 Maintaining views between buildings.

- (v) maintain views from the foreshore and Main Street to the hinterland, as illustrated by figure CCO-S3.6.

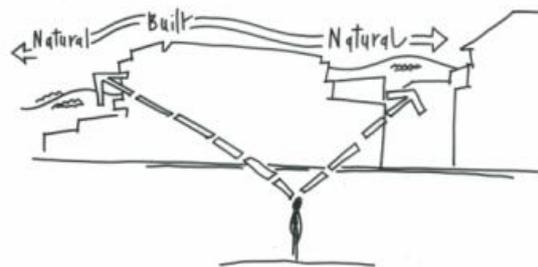


Figure CCO-S3.6 Hinterland views from foreshore.

This clause is in substitution to Parking and Sustainable Transport code – clause C2.68 Siting of parking and turning areas, and in addition to Local Business Zone – clause 14.4 Development Standards for Building and Works.

Objective:	(a) That development maintains and encourage improvement to the quality and function of the streetscape; and (b) off-street car parking is not visible from any public area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Off-street car parking in the Local Business Zone must:</p> <p>(a) be located to the rear or within side boundaries of a site;</p> <p>(b) below natural ground level; or</p> <p>(c) be screened from public view.</p>	<p>P1</p> <p>The location of off-street car parking in the Local Business Zone must contribute to improved visual amenity and be compatible with the coastal village character.</p>
<p>A2</p> <p>Access across the frontage to Main Road, Penguin must be obtained using an existing lawful constructed access.</p>	<p>P2</p> <p>Access across the frontage to Main Road, Penguin must minimise likelihood for conflict between vehicles and pedestrians.</p>

CCO–S4.0 Revell Lane Specific Area Plan

CCO-S4.1 Plan Purpose

The purpose of the Revell Lane Specific Area Plan is:

CCO-S4.1.1 To provide a framework for the appropriate development of the Revell Lane precinct.

CCO-S4.2 Application of this Plan

CCO-S4.2.1 This Specific Area Plan applies to the area of land designated as Revell Lane Specific Area Plan on the overlay maps.

CCO-S4.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of the Rural Living Zone, as specified in the relevant provision.

CCO-S4.3 Local Area Objectives

CCO-S4.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
CCO-S4.3.1.1	Revell Lane Specific Area Plan shown on an overlay map as CCO-S4.3.1.1.	<p>The local area objectives of the Revell Lane Specific Area Plan are to:</p> <ul style="list-style-type: none">(a) provide that the area functions primarily as a rural living area limited by geotechnical and access constraints but with capacity for other uses that are consistent with the provision of a high level of residential amenity;(b) ensure that the skylines in the area are protected from intrusive development;(c) provide for the adequate separation of buildings to reflect a rural character;(d) retain, as far as is reasonable, significant view corridors from properties in and around the Revell Lane Specific Area Plan;(e) require that the type and density of future development (including subdivision) is consistent with the capacity of available services, particularly vehicle access;(f) provide for properties served by Revell Lane to be limited to activities that only generate low traffic volumes;(g) require properties other than those served by Revell Lane make use of available access points to the surrounding road

		<p>network excluding to the Preservation Drive Secondary Road, unless or until its Limited Access status is removed;</p> <p>(h) provide that the functions and qualities of Penguin Creek and its tributaries, are protected from the adverse effects of development, including erosion, sedimentation, water contamination and adverse changes to run-off patterns;</p> <p>(i) provide for the judicious planting of cleared and elevated areas in order to soften the visual impact of development on the skyline and stabilise areas of land instability;</p> <p>(j) require future development is undertaken in locations and a manner that provides a tolerable level of risk from landslide hazard and does not cause any added risk to the environment or other properties in the area;</p> <p>(k) function primarily as a rural living area but with a lower residential density than is provided for under the Rural Living zone to assist geotechnical and access constraints to be taken into consideration;</p> <p>(l) contain buildings that have a low impact in the landscape generally and from principal viewing points in particular; and</p> <p>(m) be progressively planted with native vegetation on exposed, elevated and cleared hilltop areas around the town of Penguin in order to soften the impact of the buildings on the skyline and to stabilise areas of doubtful land stability.</p>
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CCO-S4.4 Definition of Terms

This sub-clause is not used in this specific area plan.

CCO-S4.5 Use Table

This clause is in substitution for Rural Living Zone – clause 11.2 Use Table.

Use Class	Qualification
No Permit Required	

Use Class	Qualification
Natural and Cultural Values Management	If for conservation, rehabilitation or protection against degradation, but must not include a building or external activity area for information, interpretation or display of items or for any other use.
Passive Recreation	If for a public park or reserve for the local community.
Permitted	
Residential	If for a dwelling or home-based business.
Resource Development	If for: <ul style="list-style-type: none"> (a) a community garden for production or ornamental purposes to service the local community; or (b) an agricultural use dependent on the soil as a growth medium undertake in association with a residential use.
Utilities	If for minor utilities.
Visitor Accommodation	
Discretionary	
Natural and Cultural Values Management	If not listed as No Permit Required.
Residential	If not listed as Permitted.
Resource Processing	If: <ul style="list-style-type: none"> (a) for processing produce grown or raised on the site; and (b) off-site impact are minimal and can be managed to minimise conflict or impact on the amenity of any other uses.
Passive Recreation	If not listed as No Permit Required.
Utilities	If not listed as Permitted.
Prohibited	
All other uses	

CCO-S4.6 Use Standards

CCO-S4.6.1 Discretionary uses

This clause is in addition to Rural Living Zone – clause 11.3.1 Discretionary uses.

Objective:	Discretionary uses should be limited to those which are consistent with the provision of a high level of residential amenity and do not place any undue load on available services, including vehicle access.	
Acceptable Solutions		Performance Criteria
A1	No Acceptable Solution.	P1 Discretionary use must: <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) minimise likelihood for adverse impact on the amenity for residential use on adjacent land; and (c) be consistent with the capacity of available services, including road access.

CCO- S4.7 Development Standards for Buildings and Works

CCO-S4.7.3 Siting and design

This clause is in substitution for Rural Living Zone – clause 11.4.2 Building height, setback and siting A1 and P1.

Objective:	Buildings should be suitably sited and designed to: <ul style="list-style-type: none"> (a) avoid projection above the skyline from important viewing locations including the Penguin town centre and Bass Highway; and (b) retain significant view corridors from properties in and around the Revell Lane Specific Area Plan, in particular views of the coast, the town centre and Bass Strait. 				
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Acceptable Solutions</td> <td style="width: 50%;">Performance Criteria</td> </tr> <tr> <td> A1 Building height must: <ul style="list-style-type: none"> (a) be not more than 5.5m, or (b) if the entire building is: <ul style="list-style-type: none"> (i) not less than 15m below the skyline; or (ii) below the existing tree canopy, be not more than 8.5m. </td> <td> P1 Building height and siting must: <ul style="list-style-type: none"> (a) avoid any inappropriate intrusion of the building into the skyline, particularly when viewed from the Penguin town centre and Bass Highway; and (b) retain significant view corridors from properties in and around the Revell Lane Specific Area Plan to a reasonable extent, in particular views along the coast, to the town centre or to Bass Strait. </td> </tr> </table>		Acceptable Solutions	Performance Criteria	A1 Building height must: <ul style="list-style-type: none"> (a) be not more than 5.5m, or (b) if the entire building is: <ul style="list-style-type: none"> (i) not less than 15m below the skyline; or (ii) below the existing tree canopy, be not more than 8.5m.	P1 Building height and siting must: <ul style="list-style-type: none"> (a) avoid any inappropriate intrusion of the building into the skyline, particularly when viewed from the Penguin town centre and Bass Highway; and (b) retain significant view corridors from properties in and around the Revell Lane Specific Area Plan to a reasonable extent, in particular views along the coast, to the town centre or to Bass Strait.
Acceptable Solutions	Performance Criteria				
A1 Building height must: <ul style="list-style-type: none"> (a) be not more than 5.5m, or (b) if the entire building is: <ul style="list-style-type: none"> (i) not less than 15m below the skyline; or (ii) below the existing tree canopy, be not more than 8.5m.	P1 Building height and siting must: <ul style="list-style-type: none"> (a) avoid any inappropriate intrusion of the building into the skyline, particularly when viewed from the Penguin town centre and Bass Highway; and (b) retain significant view corridors from properties in and around the Revell Lane Specific Area Plan to a reasonable extent, in particular views along the coast, to the town centre or to Bass Strait. 				

CCO-S4.8 Development Standards for Subdivision

CCO-S4.8.1 Lot size

This clause is in substitution for Rural Living Zone – clause 11.5.1 Lot design

Objective:	The minimum properties of a site or lot on a plan of subdivision are to: <ul style="list-style-type: none"> (a) provide a suitable development area for the intended use; (b) provide adequate access from a road; (c) make adequate provision for a water supply and for the drainage and disposal of sewage and stormwater; and (d) limit the density of development to a level that is consistent with the capacity of services, particularly vehicle access and the desired character of the Revell Lane Specific Area Plan. 				
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Acceptable Solutions</td> <td style="width: 50%;">Performance Criteria</td> </tr> <tr> <td> A1 Each lot, or a lot proposed on a plan of subdivision must: </td> <td> P1 A lot, or lot proposed on a plan of subdivision, must be of sufficient useable area and dimensions suitable </td> </tr> </table>		Acceptable Solutions	Performance Criteria	A1 Each lot, or a lot proposed on a plan of subdivision must:	P1 A lot, or lot proposed on a plan of subdivision, must be of sufficient useable area and dimensions suitable
Acceptable Solutions	Performance Criteria				
A1 Each lot, or a lot proposed on a plan of subdivision must:	P1 A lot, or lot proposed on a plan of subdivision, must be of sufficient useable area and dimensions suitable				

<p>(a) have an area of not less than 2ha; and</p> <p>(b) if intended for a building, contain a building area:</p> <ul style="list-style-type: none"> (i) of not more than 1,000m²; (ii) clear of all setbacks required by clause 11.4.2; (iii) clear of any registered easement; (iv) clear of any registered right of carriageway; (v) clear of any restriction imposed by a utility; (vi) not including any access strip; (vii) clear of any area required for the on-site disposal of sewage or stormwater; and (viii) accessible from a frontage or access strip. 	<p>for its intended use or development, without constraint interference or offence to:</p> <ul style="list-style-type: none"> (a) an average site area per dwelling of 1ha; (b) erection of a building if required by the intended use; (c) access to the site; (d) use or development of adjacent land; (e) a utility; and (f) any easement or lawful entitlement for access to other land or for a utility.
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CCO-S4.9 Tables

This sub-clause is not used in this specific area plan.

CCO-S5.0 Turners Beach Specific Area Plan

CCO-S5.1 Plan Purpose

The purpose of the Turners Beach Specific Area Plan is:

CCO-S5.1.1 To provide a framework to guide the future development of Turners Beach.

CCO-S5.2 Application of this Plan

CCO-S5.2.1 This Specific Area Plan applies to the area of land designated as Turners Beach Specific Area Plan on the overlay maps.

CCO-S5.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of the General Residential Zone, as specified in the relevant provision.

CCO-S5.3 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
CCO-S5.3.1.1	Turners Beach Specific Area Plan shown on an overlay map as CCO-S5.3.1.1.	<p>The local area objectives of the Turners Beach Specific Area Plan are to:</p> <ul style="list-style-type: none"> (a) protect and conserve existing native flora and fauna in a natural state; (b) identify areas vulnerable to coastal inundation by the sea; (c) retain access to the foreshore in a manner that is not disruptive to natural processes; (d) maintain and enhance opportunity for visual outlook to the sea and coastal landmarks; (e) retain an eclectic mix of housing styles at suburban density and with characteristic building setbacks to the street; (f) provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape; (g) provide for buildings that are typically one or two storeys high, oriented to the frontage, and separated from the frontage and internal site boundaries; (h) allow commercial buildings to the frontage; (i) employ low, transparent fencing and vegetation to define the frontage; and side and rear boundary fencing that is unobtrusive in terms of colour and material;

		<ul style="list-style-type: none"> (j) typically treat the frontage setback for garden and landscape purposes; (k) use measures such as split-level building design or broken form to minimise the scale and bulk of new buildings and additions to existing buildings; (l) use increased setback distances to minimise any potential privacy loss from buildings that are higher than neighbouring dwellings; (m) manage street trees and remnant vegetation to complement and create view corridors in residential areas; (n) retain the generally informal character of the residential area north of the Bass Highway through appropriate street planting, narrowing of streets, and use of swale drains; (o) limit commercial activity to home occupation and local convenience retail; (p) retain sand dunes at the natural beach profile; and provide access through the dunes only at specific and formalised locations; (q) manage the environmental significance of the River Forth estuary area to retain the Eucalypt forest and under-storey; and (r) restrict new development on sand dunes and the River Forth estuary to minor low impact facilities such as toilets and change rooms, and car parking of a size to minimise loss of vegetation and visual quality.
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CCO-S5.4 Definition of Terms

This sub-clause is not used in this specific area plan.

CCO-S5.5 Use Table

This clause is in substitution for General Residential Zone – clause 8.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protect against degradation, not involving a building or outdoor area for information, interpretation or display of items.
Passive Recreation	If for a public park or reserve for the local community.
Permitted	
Residential	If for a: (a) home based business; (b) boarding house in which rooms are wholly or partly let in lodgings as a principal place of residence; (c) multiple dwelling, each in a separate dwellings; or (d) a single dwelling.
Resource Development	If for a community garden for production or ornamental purposes to service the local community and not involve the keeping of animals.
Utilities	If for minor utilities.
Visitor Accommodation	
Discretionary	
Natural and Cultural Values Management	If not listed as No Permit Required.
Education and Occasional Care	If for: (a) all day, before or after school, occasional or out of school hours care; (b) pre-school; or (c) primary school.
Emergency Services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration.
Food Services	
Passive Recreation	If not listed as No Permit Required.
Utilities	If not listed as Permitted.
Prohibited	
All other uses	

CCO-S5.6 Use Standards

This sub-clause is not used in this specific area plan.

CCO-S5.7 Development Standards for Buildings and Works

CCO-S5.7.1 Setbacks and building envelope for all buildings

The Acceptable Solution in this clause is in substitution for General Residential Zone – clause 8.4.2 Setback and building envelope for all dwellings A3 and P3 and clause 8.5.1 Non Dwelling Development A2 and P2.

Objective:	<p>That building height:</p> <ul style="list-style-type: none"> (a) minimises over-shadowing of adjoining sites; (b) protects privacy of adjoining dwellings; and (c) protects view lines.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures CCO-S5.1, CCO-S5.2 and CCO-S5.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 5.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (i) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	<p>P1.1</p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site. <p>P1.2</p> <p>Building height of a dwelling must minimise over-shadowing, protect of privacy in adjoining dwellings and protect view lines, having regard to:</p> <ul style="list-style-type: none"> (a) the likelihood for overshadowing of a habitable room or an area of private open space in a dwelling on the site or adjacent land if the resultant period of sunlight is less than 3 hours between 9.00am and 5.00pm on 21st June;

	<ul style="list-style-type: none"> (b) the likelihood for direct overlooking from a window in a building with a finished floor level more than 1.0m above natural ground level to a habitable room or private open space area in a dwelling on the site or on adjacent land; (c) the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land; (d) the apparent building height when viewed from a frontage road and adjacent land in another zone; (e) the effect of the slope and orientation of the site and adjacent land on apparent building height; (f) the effect and durability of screening to attenuate impact of the building to view from a frontage road or from adjacent land in another zone; and (g) the protection of view lines enjoyed by existing dwellings, <p>and is not more than 7.5m.</p>
<p>A2</p> <p>A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures CCO-S5.1, CCO-S5.2 and CCO-S5.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 5.5m above existing ground level; and (b) only have a setback less than 1.5m from a side or rear boundary if the building: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or 	<p>P2.1</p> <p>The siting and scale of a building that is not a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity, having regard to: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room, excluding a bedroom, of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from an adjoining property; and (b) provide separation between buildings on adjoining properties that is consistent with that existing on established properties in the area. <p>P2.2</p> <p>Building height of a building that is not a dwelling must minimise over-shadowing, protect of privacy in</p>

<p>(ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).</p>	<p>adjoining dwellings and protect view lines, having regard to:</p> <ul style="list-style-type: none"> (a) the likelihood for overshadowing of a habitable room or an area of private open space in a dwelling on the site or adjacent land if the resultant period of sunlight is less than 3 hours between 9.00am and 5.00pm on 21st June; (b) the likelihood for direct overlooking from a window in a building with a finished floor level more than 1.0m above natural ground level to a habitable room or private open space area in a dwelling on the site or on adjacent land; (c) the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land; (d) the apparent building height when viewed from a frontage road and adjacent land in another zone; (e) the effect of the slope and orientation of the site and adjacent land on apparent building height; (f) the effect and durability of screening to attenuate impact of the building to view from a frontage road or from adjacent land in another zone; and (g) the protection of view lines enjoyed by existing dwellings, <p>and is not more than 7.5m.</p>
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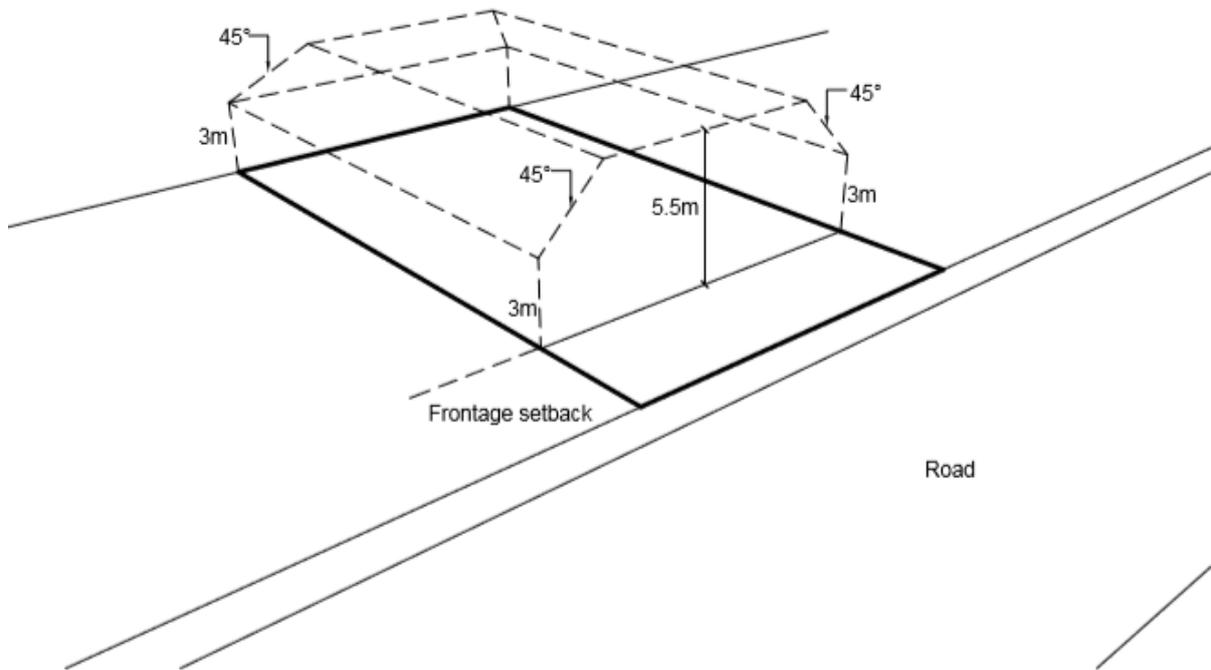


Figure CCO-S5.1 Building envelope as required by clause CCO-S5.7.1 A1 and A2 that is in substitution for General Residential Zone – clause 8.4.2 A3 and clause 8.5.1 A2

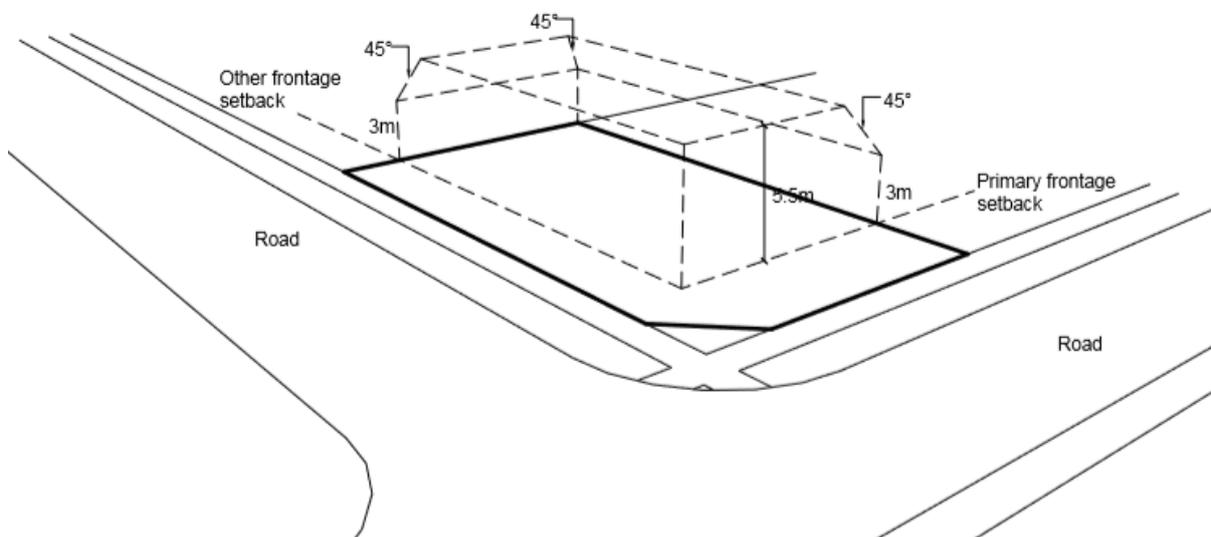


Figure CCO-S5.2 Building envelope for corner lots as required by clause CCO-S5.7.1 A1 and A2 that is in substitution for General Residential Zone – clause 8.4.2 A3 and clause 8.5.1 A2)

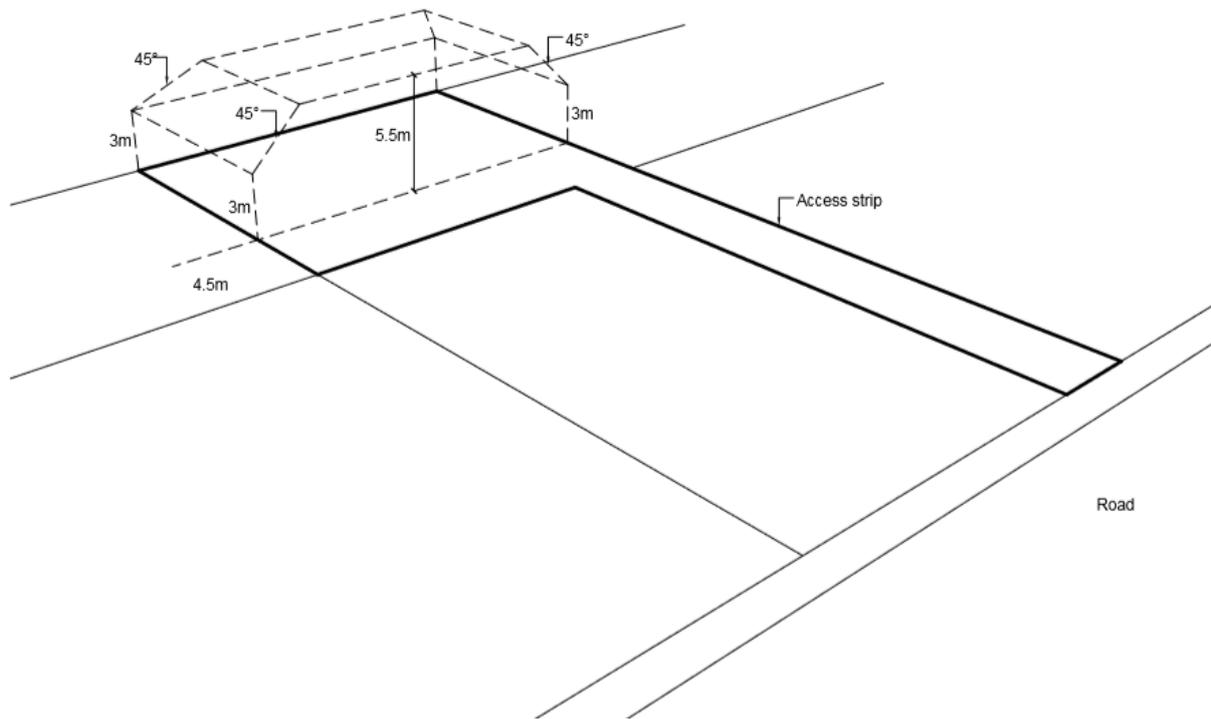


Figure CCO-S5.3 Building envelope for internal lots as required by clause CCO-S5.1 A1 and A2 that is in substitution for General Residential Zone – clause 8.4.2 A3 and clause 8.5.1 A2

CCO-S5.7.2 Vegetation management

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5. Development Standards for Non-dwellings.

Objective:	Vegetation is managed in a sustainable manner.	
Acceptable Solutions	Performance Criteria	
A1 There must be no clearing or conversion of vegetation within the littoral, riparian and road reserves.	P1 Clearing and conversion of vegetation within a littoral, riparian or road reserve must: (a) not adversely impact on the dune and ecosystem; (b) form part of approved works under a permit for the site; (c) be required to provide access to a beach or river; or (d) be for rehabilitation works.	

CCO-S5.7.3 Landscaping

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings.

Objective:	The front of the dwelling is landscaped.	
Acceptable Solutions	Performance Criteria	
A1 On a site, excluding an internal lot, not less than 50% of the site area between the frontage and a building containing a dwelling must be landscaped with not less than grass.	P1 No Performance Criterion.	

CCO-S5.7.4 Beach access

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5. Development Standards for Non-dwellings.

Objective:	Access to the beach or the River Forth is controlled to minimise damage to the ecosystem.	
Acceptable Solutions	Performance Criteria	
A1 New vehicular or pedestrian accesses to the beach or River Forth must not be created.	P1 Vehicular or pedestrian accesses to the beach or River Forth must: (a) be required to rationalise and reduce the number of existing access; and (b) not adversely impact on the coastal dune or river bank ecosystem.	

CCO-S5.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

CCO-S5.9 Tables

This sub-clause is not used in this specific area plan.

CCO-Site-Specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
CCO-20.1	Part of 76 Reynolds Road, Heybridge, shown on the overlay map as CCO-20.1	Part of 168973/1	An additional qualification for the Permitted Use Class Residential is: "If for a single dwelling."	Rural Resource Zone – 20.2 Use Table

CCO-Code Lists

CCO-Table C3.1 Other Major Roads

Road	From	To
This table is not used in this Local Provisions Schedule.		

CCO-Table C6.1 Local Heritage Places

Reference Number	THR Number	Town/Locality	Street address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
This table is not used in this Local Provisions Schedule.						

CCO-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

CCO-Table C6.3 Local Historic Landscape Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

CCO-Table C6.4 Places or Precincts of Archaeological Potential

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
This table is not used in this Local Provisions Schedule.				

CCO-Table C6.5 Significant Trees

Reference Number	Town/ Locality	Property Name and Street Address	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees
This table is not used in this Local Provisions Schedule.							

CCO-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
CCO-C8.1.1	Leven Canyon/ Loyetea Peak	Leven Canyon Regional Reserve and adjoining Crown land that comprises Loyetea Peak and the "Three Brothers".	<p>The Leven Canyon / Loyetea Peak area is:</p> <ul style="list-style-type: none"> (a) a wild dramatic landscape set amongst land that is used for grazing, production forestry and residential settlements; (b) a native vegetation area comprising a deep river canyon that accommodates the Leven River with adjoining peaks; (c) an area showcasing a spectacular contiguous natural forest skyline and 400-m-high escarpment and slopes; (d) an area of geological interest unlike any other in Tasmania with world-class limestone geology; (e) an area that offers natural landscape vistas when viewed from the areas of Gunns Plains, Nietta, South Preston, Preston, Loonganna, Black Bluff, the Penguin to Cradle walking trail, and from scenic lookouts; including Loyetea Peak and the Cruickshanks Leven Canyon viewing Platform; and (f) a near-coastal area offering residents and visitors easy access to a wild river and canyon scenery and nature from lookouts and tourist places, thereby providing a key element of the north coast's tourism product. 	<p>Protect the scenic values of the Leven Canyon/ Loyetea Peak area by:</p> <ul style="list-style-type: none"> (a) maintaining undisturbed native vegetation as the dominant landscape element when viewed from public roads and places; (b) maintaining skylines and escarpments and forested slopes free of visible development and fragmentation; (c) retaining the landscape connectivity including the contiguous native forest canopy cover; and (d) avoiding visual contrast between buildings and works and the natural bushland.

CCO-Table 8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
This table is not used in this Local Provisions Schedule.			

CCO-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
Forth	1.8	2.7	3.2	2.9
Gawler	1.8	2.7	3.3	3
Heybridge	1.8	2.7	3.3	3
Leith	1.8	2.7	3.2	2.9
Penguin	1.8	2.7	3.3	3
Sulphur Creek	1.8	2.7	3.3	3
Turners Beach	1.8	2.7	3.3	3
Ulverstone	1.8	2.7	3.3	3
West Ulverstone	1.8	2.7	3.3	3
Central Coast Average	1.8	2.7	3.3	3

CCO-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in this Local Provisions Schedule.		